FINDINGS OF FACT and STATEMENT of OVERRIDING CONSIDERATIONS regarding PARCEL 44 VISITOR- AND BOATER-SERVING RETAIL PROJECT

PROJECT NUMBER: R2013-01647-(4)

COASTAL DEVELOPMENT PERMIT: RCDP201300003

CONDITIONAL USE PERMIT: RCUP201300166

VARIANCE: RVAR201300004

PARKING PERMIT: RPKP201300012

STATE CLEARINGHOUSE NUMBER: 2013081040

COUNTY OF LOS ANGELES
DEPARTMENT OF REGIONAL PLANNING
320 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT
(STATE CLEARINGHOUSE NUMBER 2013081040)
FOR THE PARCEL 44 VISITOR- AND BOATER-SERVING RETAIL PROJECT
(COUNTY PROJECT NUMBER R2013-01647-(4)

The Regional Planning Commission ("Commission") of the County of Los Angeles ("County") hereby certifies the Parcel 44 Visitor- and Boater-Serving Project Final Environmental Impact Report, State Clearinghouse Number 2013081040, which consists of the Draft Environmental Impact Report ("Draft EIR") dated February 2015, Technical Appendices to the Draft EIR dated February 2015, and the Final Environmental Impact Report, including Responses to Comments dated May 2015, collectively referred to as the "Final EIR," and finds that the Final EIR has been completed in compliance with the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*) ("CEQA"). The Commission further hereby certifies that it has received, reviewed, and considered the information contained in the Final EIR, the applications for Coastal Development Permit No. RCDP201300003, Conditional Use Permit No. RCUP201300166, Variance No. RVAR201300004, and Parking Permit No. RPKP201300012 (collectively, the "Project Approvals"), to permit demolition of all existing landside improvements on Parcel 44 and the subsequent construction of a visitor- and boater-serving development on the parcel consisting of marine commercial and visitor-serving/convenience-commercial uses (retail and restaurants), a yacht club, a community room, open boat storage racks, a boat repair shop and boat hoist, administrative offices, and appurtenant parking and recreational amenities (including a realigned bike path and new public waterfront pedestrian promenade on the subject parcel) (the "Project), all hearings and submissions of testimony from officials and departments of the County, the Applicant Pacific Marina Venture, LLC ("Applicant"), the public and other municipalities and agencies, and all other pertinent information in the record of proceedings. Concurrently with the adoption of these findings, the Commission adopts the Mitigation Monitoring and Reporting Program (hereinafter referred to as the "MMRP") attached as Exhibit A to these findings.

Having received, reviewed, and considered the foregoing information, as well as any and all other information in the record, the Commission hereby makes findings

pursuant to and in accordance with Section 21081 of the Public Resources Code as follows:

(a) Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
(b) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,
(c) Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

BACKGROUND

The Environmental Impact Report Process

The Applicant proposes redevelopment of existing uses located on one underutilized lease parcel, which the Applicant leases from the County within Marina del Rey. The 8.39- acre landside area is identified as Marina del Rey Lease Parcel 44 in the certified Marina del Rey Local Coastal Program and is located in the northeastern portion of the Marina del Rey small-craft harbor in the unincorporated community of Marina del Rey. Regional access to the site is provided by Lincoln Boulevard, the Marina Freeway/Expressway, and the San Diego Freeway.

The County completed an Initial Study for the Project on August 19, 2013, and determined that an Environmental Impact Report ("EIR") was required. Potentially significant environmental impacts addressed in the Draft EIR include aesthetics, air quality, biological resources, geology and soil resources, greenhouse gases, hydrology and water quality, noise and vibration, traffic and access, police protection, fire protection, wastewater, water service, and solid waste. The Draft EIR analyzed both individual component and cumulative effects of the Project together with related projects on these topics and identified a variety of mitigation measures to mitigate the potential adverse effects of the Project.

In accordance with CEQA requirements, the Draft EIR also analyzed potential alternatives to the Project, including (1) No Project/No Development Alternative, (2) Reduced Density Alternative and (3) Mixed-Use (Residential/Retail) Alternative. Potential environmental impacts of each of these alternatives were discussed as required by CEQA and each alternative was compared to the Project. The above range

of alternatives presented to the Commission (as detailed below in Section 6) was a reasonable range for consideration and allowed for informed decision making among the alternatives as well as to direct specific changes to the Project. The Commission has reviewed each of the alternatives and recommends approval of the Project.

The Los Angeles County Department of Regional Planning ("DRP") conducted its own independent departmental review and analysis of the Project and the preliminary Draft EIR and circulated copies of the preliminary Draft EIR to all affected County agencies. Interested County agencies conducted an independent review and analysis of the Project and preliminary Draft EIR and provided written comments on the document, where appropriate, and those comments were incorporated into and made part of the Draft EIR.

The Draft EIR was made available for public comment and input for the period set forth by State law. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, DRP staff provided proper notice to the community by mail, newspaper, property posting, library posting, and on DRP's website regarding DRP's March 4, 2015 Hearing Examiner's hearing on the Draft EIR. Specifically, the public review period commenced on February 13, 2015, when a Notice of Completion and Notice of Availability ("NOC-NOA") was sent to the State Clearinghouse (State Clearinghouse No. 2013081040), and ended on March 31, 2015. The public review period lasted 45 days as required by CEQA Section 21091. Newspaper notices informing the public regarding the public comment period for the Draft EIR and informing the public regarding the Hearing Examiner's hearing on the Draft EIR were published in the La Opinion newspaper on February 13, 2015 and in The Daily Breeze newspaper on February 14, 2015. On February 10, 2015, this notice was also mailed to property owners and tenants located within a 500-foot radius of the parcel boundaries and to known interested individuals and organizations. Moreover, notices were posted at three local public libraries. Notices were verified to be posted on the subject parcel and were made available on DRP's website on February 12, 2015. Copies of the Draft EIR were also made available at the Regional Planning Department and in local public libraries.

On February 12, 2015, a NOC-NOA for the Draft EIR was posted at the County Recorder's office. On February 12, 2015, the NOC-NOA was sent by mail to required agencies including the State Clearing House and other interested parties. The NOC-NOA was also posted on the subject parcel and on DRP's website.

A DRP Hearing Examiner conducted a duly noticed public hearing at the Marina Del Rey Hotel (which is located adjacent to the subject parcel at the terminus of Bali Way) to take public testimony and comment regarding the Draft EIR on March 4, 2015. As further outlined in the responses to comments contained in the Final EIR, a total of 10 persons from the public (two of whom represented the Applicant) provided general testimony regarding the Draft EIR and the Project at the hearing.

Following the close of public comment period on the Draft EIR on March 31, 2015, detailed responses to all agency and public member comments received regarding the Project and the analyses of the Draft EIR were prepared by DRP staff with assistance of a private consultant and reviewed, and revised as necessary by DRP and other County staff to reflect the County's independent judgment on issues raised. These Responses to Comments are included in the Final EIR.

A public hearing on the Project and the Final EIR was held before the Commission on August 26, 2015. At the conclusion of that hearing, the Commission made the following environmental findings and certified the Final EIR and adopted orders approving the Project Coastal Development Permit, Conditional Use Permit, Parking Permit, and Variance.

The Final EIR has been prepared by the County in accordance with CEQA, as amended, and State and County Guidelines for implementation of CEQA. More specifically, the County has relied on Section 15084(d)(3) of the State CEQA Guidelines, which allows acceptance of drafts prepared by the applicant, a consultant retained by the applicant, or any other person. DRP, acting for the County, has reviewed, considered, revised, and edited as necessary the submitted drafts to reflect its own independent judgment, including reliance on County technical personnel from other departments.

Section 1 of these findings discusses effects found not to be significant. Section 2 of these findings discusses the potential environmental effects of the Project which

are not significant or which have been mitigated to a less than significant level. Section 3 of these findings discusses the significant environmental effects of the Project which cannot be feasibly mitigated to a level of insignificance. Section 4 discusses the growth-inducing impacts of the Project. Section 5 discusses the significant irreversible environmental changes which would be involved in the Project should it be implemented. Section 6 discusses the evaluation of Alternatives to the Project. Section 7 discusses the Project's MMRP. Section 8 contains the Statement of Overriding Considerations. Section 9 contains the findings pursuant to CEQA Guidelines sections 15091 and 15092. Section 10 contains the findings pursuant to Public Resources Code section 21082.1(c)(3). Section 11 contains a finding that no recirculation is required. Section 12 identifies the custodian of the record upon which these findings are based. The findings set forth in each section are supported by substantial evidence in the administrative record of the Project.

SECTION 1
EFFECTS FOUND NOT TO BE SIGNIFICANT

The County prepared an Initial Study for the Project, which is included in Appendix 1.0 of the Draft EIR. The Initial Study provides a detailed discussion of the potential environmental impacts by topic and the reasons that each topical area is or is not analyzed further in the Draft EIR. As further described in the Initial Study, the County determined that the Project would not result in significant impacts related to: Agricultural and Forest Resources; Cultural Resources; Energy; Hazards and Hazardous Materials; Land Use Planning; Mineral Resources; Population and Housing; Public Services (Schools, Recreation, and Libraries); and Utilities and Service Systems. The Initial Study determined impacts to public services (police, fire) and utilities and service systems (water, wastewater, solid waste) would be less than significant for the Project. Although the Project itself would not generate permanent population on the Project Site, the increase in daytime users would result in an incremental increase in demand for public services and utilities. In addition, these topics are generally of concern in urban areas; therefore, the Draft EIR includes detailed analysis of both public services and utilities.

The rationale for the conclusion that no significant impact will occur in each of these issue areas is summarized below (and set forth in Draft EIR Section 6 and in the Initial Study (Appendix A-2 of the Draft EIR)), and based on that rationale, and other evidence in the administrative record, the County finds and determines that the following environmental impact categories will not result in any significant impacts and that no mitigation measures are needed. Based on the Initial Study prepared for the Project, included in Appendix 1.0 of the Draft EIR, the County of Los Angeles has determined that the Project would not have the potential to cause significant adverse effects associated with the issues identified below. These topics have not, therefore, been addressed in detail in the Final EIR.

AGRICULTURAL AND FOREST RESOURCES

The Project site is located in the Los Angeles County unincorporated community of Marina del Rey, which is designated as a Specific Plan Zone as zoned under the County of Los Angeles. The Project site's land use designations per the certified Marina del Rey Local Coastal Program (the "LCP") are Marine Commercial, Boat storage, Visitor-serving/Convenience-commercial and Water with a Waterfront Overlay Zone designation. The Project site does not support and is not zoned for, nor is it located near an area that is zoned for or developed with, forestland, timberland, or agricultural land. The Marina del Rey community contains no agricultural, forest, or timber lands. Therefore, no impact is identified for this issue.

CULTURAL RESOURCES

The Project site is located in an area of Marina del Rey that is currently developed and has been developed for the past 50 years. The Project site is not considered a historical site nor does it contain historical structures, known archaeological resources, or known paleontological resources. Further, as a fill site, the Project site is not known to contain any human remains and the Project entails minimal excavation and minor surface grading. Therefore, no impact is identified for this issue.

ENERGY

The Project will comply with the County Green building Ordinance, the County of Los Angeles Green Building Standards, and with the County's Drought Tolerant Landscaping Ordinance. In addition, the Project would comply with applicable state regulations regarding energy efficiency and would not be expected to use extraordinary amounts of energy or to involve inefficient use of energy resources. Therefore, no impact is identified for this issue.

HAZARDS AND HAZARDOUS MATERIALS

The development proposed under the Project would not require the routine use of acutely hazardous materials and does not include provisions for storage of large quantities of boat fuel on site. The proposed boat repair shop would not store large

amounts of fuel or other hazardous materials and would be responsible for disposing of all hazardous waste in accordance with state and federal requirements.

The Project could use hazardous materials such as paints, cleaning agents, aerosol cans, landscaping-related chemicals, and common household substances such as bleaches during construction and renovation activities on the project site, as well as during operation of the uses on the project site upon buildout. All uses and storage of these materials would be subject to federal, state, and local laws pertaining to the use, storage, and transportation of these hazardous materials. The Project site is located within 0.25 mile of sensitive land uses; however, the Project would not include the storage of large quantities of hazardous materials or pressurized tanks.

In addition, the Project site is not located on a parcel of land that has been included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Further, the Project site is not located within the Santa Monica Airport Influence Area or the Los Angeles International Airport Influence Area and would not result in a safety hazard for people in the Project area. Therefore, no impact is identified for this issue.

LAND USE AND PLANNING

The Project site is located in an area of Marina del Rey that is highly urbanized. Existing commercial structures, parking lots, boat anchorages, and a park are located in the near vicinity of the Project site. The proposed redevelopment of the existing commercial structures and storage areas with new commercial retail and boater-serving services is consistent with the applicable Specific Plan land use designations and development standards for Project site. The Project will increase connectivity by encouraging public access to the site and is not located within an area subject to Hillside Management policies or within a Significant Ecological Area. Therefore, no impact is identified for this issue.

MINERAL RESOURCES

Neither the Project site nor surrounding areas are utilized for mineral production as mapped by the County of Los Angeles. The Project site is located within an Oil and

Gas Resource Zone; however, the Project site does not currently contain existing drilling sites for the recovery of oil and natural gas, nor are any drilling sites located on the project site for the recovery of oil or natural gas proposed in the future. There would be no impacts to oil and natural gas resources with implementation of the Project. Moreover, Project implementation would not result in the loss of an available known mineral resource with value to the region. Therefore, no impact is identified for this issue.

POPULATION AND HOUSING

The Project is consistent with the applicable Specific Plan land use designations for Project site. No residential development is currently present within the Project site and none is proposed for development in the Project. Installation of new infrastructure systems would not be required with implementation of the Project, though some improvements to the existing infrastructure systems serving the site (e.g., roadways, on-site sewer lines, water lines) may be required. Given the relatively minor size of the proposed development, the Project is not anticipated to induce substantial direct or indirect population growth within the community of Marina del Rey. Therefore, no impact is identified for this issue.

PUBLIC SERVICES (SCHOOLS, RECREATION, AND LIBRARIES)

The Project is consistent with the applicable Specific Plan land use designations for the project site. No residential development is currently present within the Project site and none is proposed for development under the Project. Given the relatively minor size of the proposed development, the Project would not result in population growth, and therefore would not substantially affect the ability of existing schools, parks, or libraries to meet established standards for service levels. Therefore, no impact is identified for these issues.

SECTION 2

POTENTIAL ENVIRONMENTAL EFFECTS WHICH ARE NOT SIGNIFICANT OR WHICH HAVE BEEN MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

All Final EIR mitigation measures (as set forth in the Mitigation Monitoring Plan attached as Exhibit A to these findings) have been incorporated by reference into the conditions of approval for the Coastal Development Permit, Conditional Use Permit, Parking Permit, and Variance for the Project. In addition, the other conditions of approval for the Project Approvals further lessen the potential effects of the Project.

The Commission has determined, based on the Final EIR, that Project design features, mitigation measures, and conditions of approval will reduce Project-specific impacts concerning aesthetics, air quality, biological resources, geology and soil resources, greenhouse gas emissions, hydrology and water quality, police protection, fire protection, wastewater, water service, and solid waste to less than significant levels. The Commission has further determined, based on the Final EIR, that there are no significant cumulative impacts, or that Project design features, mitigation measures, and conditions of approval will reduce the Project's contribution to less than cumulatively considerable levels, concerning aesthetics, air quality, biological resources, geology and soil resources, greenhouse gas emissions, hydrology and water quality, police protection, fire protection, wastewater, and water service.

Project Impacts

1. **Aesthetics**

Potential Effect

Implementation of the Project could result in Project-related changes in the visual character of the Project site and surrounding environment or block views. The Project could create a new source of shadows, light, or glare which could adversely affect day or nighttime views in the area.

Finding

Site development would alter the visual character of the Project site to a more intensive developed use. However, Project development would be consistent with the Phase II redevelopment of Marina del Rey ("Phase II") as outlined in the LCP, the proposed building heights are within allowable height limits per the LCP, and proposed structures would be in scale with new, recently constructed or proposed development. Therefore, the Project would be consistent with the visual character of the surrounding area and no impacts would occur. There are no shade/shadow sensitive uses located in close enough proximity to the Project site that will have shadows cast on them; therefore shade/shadow impacts would not occur. Lighting for the Project would be reviewed and approved by the County of Los Angeles Design Control Board and building materials would be low reflectivity; therefore, impacts related to lighting and glare would not occur.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on aesthetics impacts of the Project to less than significant levels.

Facts

Development of the Project would include demolition of the existing structures and minor grading which would require construction equipment and workers to be on-site for a period of approximately 18 months. While the visual character of the Project site would be altered, the duration would be temporary and short-term. The Project site is located in an urbanized area. Therefore, given the temporary, short-term nature in an urbanized setting, impacts related to visual character during construction would be less than significant. During operation, Project improvements, which would include buildings a maximum of 45 feet in height with the exception of a small portion of a pitched roof feature which would not exceed 65 feet in height, would contribute to and be consistent with the changing character of Phase II development in Marina del Rey. Phase II allows for greater development intensity and Project view corridors would be greater than view corridor requirements of the LCP. The LCP's land use designations for the Project site include "Marine Commercial, Boat Storage, Visitor Serving/Convenience Commercial

and Water." The Commission finds the Project's uses to be consistent with the LCP land use designations for the subject parcel. Design plans would be reviewed and approved by the Marina Del Rey Design Control Board and would be required to comply with the Specifications and Minimum Standards of Architectural Treatment and Construction; therefore, impacts related to visual effects as defined in the Marina del Rey Land Use Plan ("LUP") would be less than significant.

As noted, building heights would not exceed 45 feet in height, except for a small portion of the West Marine structure, which would extend to approximately 65 feet in height to accommodate the proposed architecture of the pitched roof feature; however, additional view corridor has been provided on the site (beyond the 20 percent minimum threshold) to accommodate the additional West Marine building height beyond 45 feet. Therefore, proposed building heights and associated view corridors on the project site would be compliant with the regulations pertaining to same per the certified Local Coastal Program (LCP).

Shade-sensitive uses include residences, school open space areas, public parks and playgrounds, or outdoor sports facilities; there are no such uses located within 500 feet of the subject parcel. The new structures would not generate shadows of a sufficient length to be cast off-site; therefore, although Project implementation would increase building heights, the proposed structures would not cast shadows on any off-site sensitive uses. For these reasons, Project impacts related to shade/shadow would be less than significant.

Lighting for the Project would be in compliance with County lighting standards to minimize light-spill onto adjacent property and onsite lighting would be designed not to reflect into businesses or impact a boater's ability to navigate into the marina. Structures would utilize a variety of exterior surface treatments which would be designed to be non-reflective or oriented in a way that would result in limited off-site light-spill glare. For these reasons, light and glare impacts are found to be less than significant.

2. Air Quality

Potential Effect

The Project could have potential impacts on regional and local air quality from construction and long-term operation of the Project. Exposure of sensitive receptors could result from substantial pollutant concentrations. Construction and operation of the Project could conflict with applicable air quality plans, policies, or regulations.

Finding

Construction and operation of the Project would generate criteria pollutant emissions produced by operation of mobile construction equipment, motor vehicles, disturbance of soil, application of architectural coatings and asphalt during construction and from stationary sources like water heaters or HVAC units and from mobile sources from vehicles traveling to and from the site. These emissions would not exceed the Southern California Air Quality Monitoring District ("SCAQMD") thresholds, would not jeopardize attainment of state and federal ambient air quality standards, and would be consistent with the air-quality related regional plans and impacts related to air quality would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on air quality impacts of the Project to less than significant levels.

Facts

Emissions modeling was conducted using the California Emissions Estimator Model ("CalEEMod") and information provided in the CalEEMod *User's Guide*. The model also incorporates factors specific to air basins in California, such as vehicle fleet mixes. Air quality impacts are also estimated based on information and estimated activity levels of the Project's construction and operation. The potential for the Project to cause health impacts is assessed in accordance with land use planning recommendations described in California Air Resources Board's *Air Quality and Land Use Handbook*. Projects that are considered to be consistent with the Air Quality

Management Plan ("AQMP") would not interfere with attainment because this growth is included in the projections utilized in the formulation of the AQMP. Therefore, projects, uses, and activities that are consistent with the applicable assumptions used in the development of the AQMP would not jeopardize attainment of the air quality levels identified in the AQMP, even if they exceed the SCAQMD's recommended daily emissions thresholds.

Consistency with the assumptions in the AQMP is established by demonstrating that a project is consistent with the land use plan that was used to generate the growth forecast. The 2007 AQMP based its assumptions on growth forecasts contained in the SCAG *2004 Regional Transportation Plan* ("2004 RTP"). The 2004 RTP is based on growth assumptions through 2030 developed by each of the cities and counties in the SCAG region and was updated in 2012. According to the SCAG 2004 RTP growth projection data, Los Angeles County is projected to have an employment population of 4,558,000 in 2020. Existing employment data from the California Employment Development Department indicates that Marina del Rey has an employment population of approximately 6,600 and Los Angeles County has an employment population of approximately 4,519,900 as of October 2013. The Project would not increase the employment population over those that have been projected for the County in 2020 and would not exceed the growth assumptions in the AQMP. Thus, the Project would be considered consistent with the air quality-related regional plans, and should not jeopardize attainment of state and federal ambient air quality standards. For these reasons, the Project would have a less than significant impact.

The estimated maximum daily emissions associated with the Project are contained in Appendix 4.2 of the Draft EIR. Construction emissions include all emissions associated with the construction equipment, grading and demolition activities, worker trips, and on-road diesel trucks. The emissions are considered to be conservative; that is, the emissions, as calculated, likely over-predict the actual emissions that would occur during Project construction. This is due to the model's worst-case assumption that all construction equipment is operating simultaneously for the entire day during each day of the construction period. As shown in Appendix 4.2 of the Draft EIR, construction-related daily emissions for the criteria and precursor

pollutants (VOC, NOX, CO, SOX, PM10, and PM2.5) would not exceed the SCAQMD numeric indicators. These calculations include appropriate dust control measures required to be implemented during each phase of development, as required by SCAQMD Rule 403 (Control of Fugitive Dust). Therefore, with respect to regional emissions from construction activities, impacts would be less than significant.

Operational emissions would be generated by both stationary and mobile sources as a result of normal day-to-day activities on the Project site after occupation. Stationary emissions would be generated by the consumption of natural gas for space and water heating devices (including residential and commercial use water heater and boilers). Mobile emissions would be generated by the motor vehicles traveling to, from, and within the Project site.

The Project would result in an increase in Project-related traffic. The average daily trips associated with the Project would be greater than the existing average daily trips. Therefore, the Project would result in an increase in mobile source emissions and result in an increase of operational emissions. The existing operational emissions would be considered the baseline emissions. Emissions from the existing uses are therefore subtracted from the emissions from the Project to provide an overall net emissions rate. Based on the net operational emissions associated with complete buildout and operation of the Project, the Project would not exceed SCAQMD significance thresholds during operation. Therefore, operational emissions are considered less than significant.

According to the SCAQMD CEQA Handbook, projects that do not exceed the project-specific SCAQMD thresholds of significance should be considered less than significant on a cumulative basis unless there is other pertinent information to the contrary.

As shown in Appendix 4.2 of the Draft EIR, the calculated operational and construction emissions are below the thresholds of significance. Therefore, the Project's contribution of these emissions to the air quality within the Basin would not be cumulatively considerable.

The localized construction and operations air quality analysis was conducted using the methodology described in the SCAQMD Localized Significance Threshold

Methodology (June 2003, revised July 2008). The screening criteria provided in the Localized Significance Threshold Methodology were used to determine localized construction and operations emissions thresholds for the Project. The maximum daily localized emissions for each of the construction phases, operations, and localized significance thresholds are presented in Draft EIR Table 4.2-8 for construction and Table 4.2-9 for operations in the Draft EIR. As shown therein, maximum localized construction emissions for sensitive receptors would not exceed the localized thresholds for NOX, CO, PM10 and PM2.5. Therefore, with respect to localized construction and operations emissions, impacts would be less than significant.

Motor vehicles are a primary source of pollutants within the Project vicinity. Traffic congested roadways and intersections have the potential to generate localized high levels of CO. Localized areas where ambient concentrations exceed state and/or federal standards are termed CO "hotspots." Such hotspots are defined as locations where the ambient CO concentrations exceed the state or federal ambient air quality standards. The Project was evaluated to determine if it would cause a CO hotspot utilizing a simplified CALINE4 screening model developed by the Bay Area Air Quality Management District (BAAQMD). This methodology assumes worst-case conditions (i.e., wind direction is parallel to the primary roadway and 90 degrees to the secondary road, wind speed of less than 1 meter per second and extreme atmospheric stability) and provides a screening of maximum, worst-case, CO concentrations. This method is acceptable to the SCAQMD as long as it is used consistently with the *BAAQMD Guidelines*. This model is utilized to predict future CO concentrations 0 and 25 feet from the intersections in the study area based on projected traffic volumes from the intersections contained in the Project traffic study. As detailed in Appendix 4.2 of the Draft EIR, the CALINE4 screening procedure predicts that, under worst-case conditions, future CO concentrations at each intersection would not exceed the state 1-hour and 8-hour standards with the operation of the Project. No significant CO hotspot impacts would occur to sensitive receptors in the vicinity of these intersections. As a result, no significant Project-related impacts would occur relative to future carbon monoxide concentrations.

The Project would result in some minor emissions of toxic air contaminants (TACs), primarily from diesel-fueled trucks. The SCAQMD recommends a detailed health risk assessment be performed for diesel particulate matter ("DPM") for facilities that are substantial sources of DPM. Such sources are considered to be land uses such as truck stops and warehouses. As the total number of additional truck trips is very few in comparison to a facility such as a warehouse, for which CARB assumes a minimum of 100 truck trips per day, the Project would not be considered a substantial source of DPM. There are no other substantial sources of other TACs associated with the Project. Therefore there would be a less than significant impact due to TACs attributed to the Project.

SCAQMD emissions-based thresholds were used to determine if the Project's contribution to regional cumulative emissions is cumulatively considerable. Individual projects that exceed the SCAQMD-recommended daily thresholds for project-specific impacts would be considered to cause a cumulatively considerable increase in emissions for those pollutants for which the basin is in nonattainment. As the Project does not result in any Project-specific impacts, cumulative emissions would not be cumulatively considerable.

A wind study to satisfy the requirements of the Los Angeles County Zoning Code regarding assessment of the effects of building placement on wind patterns in the marina, loss of surface winds used by sailboats and birds, and general air circulation was prepared. The analysis was accomplished by placing three-dimensional scale models of the existing and proposed site and surroundings in a wind tunnel. All predominant wind directions were studied, with west, west-southwest, southwest, and east winds occurring for the majority of the time. The analysis considered if the Project would result in changes to the local wind direction or mean speed between adjacent sensors that are greater than the difference currently experienced between any two adjacent sensors. Information on the changes in wind speed and direction can be found in Appendix 4.2 for the Draft EIR. The result is that the largest changes would occur near the proposed development, as well as the west end of Basin G. However, these changes are not considered significant. The study also included an analysis of the potential impact on bird behavior. This analysis found that the minimal changes in the

overall wind field would not have a significant impact on the birds' use of the area. Overall the Project would have a less than significant impact on wind conditions.

3. Geology and Soil Resources

Potential Effect

The Project site is located in an active or potentially active fault zone due to a potential active fault located approximately 4.6 miles from the Project site, although the Project site is not traversed by a fault. During a moderate or major earthquake occurring close to the site, Project improvements could be subject to hazards associated with seismically-induced settlement due to seismic shaking, as well as soil liquefaction. The Project would entail grading, removing existing topsoil, and surficial wind and water erosion could increase during construction. Furthermore, gases in the soil could pose a risk to human health.

Finding

With implementation of the recommendations identified in the Project Geotechnical Report (which is Appended to the DEIR), which report's recommendations would be included as design features into the Project, potential geotechnical and soil resource impacts from the Project would be reduced to a less than significant level by designing and constructing the structures in conformance with the most stringent safety standards consistent with all applicable local, state, and federal regulations, such as the California Building Code and the Los Angeles County Building Code for seismic safety.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on geology and soil resources impacts of the Project to less than significant levels.

Facts

Geotechnical and Soils Resource impacts are discussed in Chapter 4.4 of the Draft EIR. Compliance with applicable building codes and seismic safety standards would reduce impacts from ground shaking to less than significant levels. The Project site is located within approximately 4.6 miles of a major fault and would therefore be potentially subject to significant ground shaking during an earthquake. The Project site

is also subject to threat from tsunami due to its location within an identified Tsunami Inundation Zone; however, maintenance of a sea wall on-site and compliance with California Building Code requirements would reduce impacts, in the event of a tsunami. The Project is not anticipated to endure issues related to soil erosion or topsoil due to the Project covering the site with non-erosive surfaces including pavement, structures, and permanent vegetation. The site is subject to potential liquefaction upon seismic ground shaking, and is located near abandoned oil wells, creating the need for mitigation for potential liquefaction and soil gas buildup. As the construction of the Project would involve disturbance of approximately 5 acres of previously improved land and would include only minor ground alterations and small structures, there is no potential for significant geologic impacts with respect to these Project components. The above finding is made in that the Project would comply with the recommendations in the Geotechnical Report and all applicable local, state, and federal regulations and no significant impacts would occur.

Regulatory Compliance Measures

Seismic Ground Shaking

- Proposed structures shall be designed in conformance with the requirements of the 2010 California Building Code and the County of Los Angeles Building Code for Seismic Zone 4.
- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 4.4 to the Draft EIR.

Substantial Soil Erosion or Loss of Topsoil

- Proposed structures shall be designed in conformance with the recommendations pertinent to soil erosion in accordance with the recommendations of the Group Delta Consultants report and the Breen Engineering report included as Appendix 4.4 and Appendix 4.6, respectively, to the Draft EIR.

Liquefaction and Soil Gas

- Proposed structures shall be designed in conformance with all recommendations included in the Group Delta Consultants report included as Appendix 4.4 to the Draft EIR.
- For soil gas safety, the recommendation to monitor soil gas during excavation in the Methane Specialists report, included as Appendix 4.4 to the Draft EIR, shall be implemented.

Expansive Soils

- All recommendations included in the Group Delta Consultants report attached as Appendix 4.4 to the Draft EIR, shall be incorporated.

General Mitigation Measures

- No mitigation measures are required; however, the Project shall incorporate any recommendations as defined in the Group Delta Consultants and Methane Specialists Report included in Appendix 4.4 to the Draft EIR.

4. Greenhouse Gases

Potential Effect

Implementation of the Project would directly or indirectly result in increased greenhouse gas emissions ("GHG") associated with the construction and operations of the Project, including energy consumption and water usage, and vehicle trips to and from the Project. Construction and operation of the Project could conflict with applicable GHG emissions reduction plans, policies, or regulations.

Finding

Construction and operation of the Project would generate GHG emissions, either directly or indirectly, that would not exceed the SCAQMD Tier 3 threshold of significance. As a result, construction and operation of the Project would generate GHG emissions that would have a less than significant impact on the environment.

Construction and operation of the Project would not conflict with applicable GHG emissions reductions plans, policies, or regulations. As a result, construction and operation of the Project would not have a significance impact with respect to consistency with GHG reduction plans and impacts would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on greenhouse gas emissions impacts of the Project to less than significant levels.

Facts

Greenhouse gas emissions modeling was conducted for mobile sources using the California Emissions Estimator Model ("CalEEMod") and information provided in the CalEEMod *User's Guide*. Construction activity was modeled based on the construction schedule provided by the Applicant, and equipment types and activity levels provided as default values in CalEEMod. The Project would not include substantial stationary sources of GHG emissions. Mobile source GHG emissions from vehicles traveling to and from the Project would generate the bulk of the operational emissions. The mobile source emissions are based on the trip rates provided in the traffic report contained in Appendix 4.8 of the Draft EIR. Additional sources were consulted for this analysis as referenced and emissions calculations conducted for the Project are contained in Appendix 4.2 of the Draft EIR.

The construction activities required to facilitate build-out of the Project would include the use of heavy-duty construction equipment, haul and vendor trucks, and worker trips which use diesel and gasoline. The combustion of gasoline and diesel in motor vehicles results in GHG emissions of CO_2 and smaller amounts of CH_4 and N_2O.

The Project would result in short-term emissions of GHGs during construction—that is, the emissions would occur only during active construction and would cease after the Project was built. The other primary GHGs (hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) are typically associated with specific industrial sources and would not be emitted by the Project. The emissions of CO_2 were estimated using the CalEEMod model.

The SCAQMD recommends annualizing construction-related GHG emissions over a project's lifetime, defined as a 30-year period, in order to include these emissions as part of the annual total operational emissions. Therefore, construction-related GHG emissions were annualized over this period and included in the annual operational emissions.

Once operational, the Project would result in GHG emissions, primarily CO_2, CH_4, and N_2O, as a result of fuel combustion from building heating systems and motor vehicles.

Direct emissions of CO_2 emitted from operation of the Project would include area source emissions (from natural gas consumption) and mobile source emissions. Area source emissions were calculated using CalEEMod using default assumptions for various types of retail, commercial, recreational, and office space. Mobile source emissions were calculated using CalEEMod, based on the traffic study prepared for the Project and contained in Appendix 4.8 of the Draft EIR.

The Project would also result in indirect GHG emissions due to the electricity demand. The emission factor for CO_2 due to electrical demand from Southern California Edison, the electrical utility serving the Project, was selected in the CalEEMod model. Emission factors for CO_2 are based on CARB's Local Government Operations Protocol. Emission factors for CH_4 and N_2O are based on E-Grid values. The cited factors in the CARB report are based on data collected by the California Climate Action Registry. Electricity consumption was based on default data found in CalEEMod.

In addition to electrical demand, the Project would also result in indirect GHG emissions due to water consumption, wastewater treatment, and solid waste generation. GHG emissions from water consumption are due to the electricity needed to convey, treat, and distribute water. CalEEMod assumptions were used for GHG emissions from water consumption, wastewater production, and solid waste generation.

Detailed operational emission calculations are provided in Appendix 4.2 of the Draft EIR. The estimates represent emissions under "business as usual" conditions – that is, GHG emissions that would occur as a result of development of the Project without the reductions from policies, strategies, and mitigation measures from AB 32 and other GHG reduction plans or regulations.

The estimated net GHG emissions from the Project would be 2,988 metric ton CO_{2e}/year and would not exceed the SCAQMD threshold of 3,000 metric ton CO_{2e}/year. Therefore, the Project's impact would be considered less than significant.

GHG emissions would be below the significance threshold for this type of land use so no mitigation measures are required. While the Project would be less than significant with respect to GHG emissions, the Project will comply with the requirements of the Los Angeles County Green Building Program, which include energy efficiency above the requirements of Title 24, recycling or reuse of construction materials, drought tolerant landscaping, smart irrigation, and tree planting.

Mitigation Measures

- No mitigation measures are required.

5. Hydrology and Water Quality

Potential Effect

The Project's associated construction activities could significantly impact the quality of the groundwater and/or storm water runoff to the storm water conveyance system and/or receiving water bodies due to surface runoff from the Project draining into the Marina during construction. The Project's post-development activities could potentially degrade the quality of storm water runoff. Post-development non-storm water discharges could contribute potential pollutants to the storm water conveyance system and/or receiving bodies. All of these potential effects require National Pollution Discharge Elimination System ("NPDES") permit compliance.

Finding

Implementation of the identified best management practices and compliance with regulatory requirements in accordance with the Los Angeles County Department of Public Works ("LACDPW") and Regional Water Quality Control Board would reduce erosion, sedimentation, and water quality impacts to less than significant levels. Therefore, impacts related to hydrology and water quality would be less then significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on hydrology and water quality impacts of the Project to less than significant levels.

Facts

Hydrology and drainage impacts are discussed in section 4.6 of the Draft EIR. As the construction of the Project will involve disturbance of approximately 5 acres of previously improved land and would include only minor ground alterations and small structures, there is no potential for significant hydrology and drainage impacts with respect to these Project components.

On- and/or Off-site Flooding

A minimal increase in total site runoff during a 25-year storm event would occur as a result of development of the Parcel 44 Visitor- and Boater-Serving Retail Project. Under existing conditions, runoff during a 25-year storm event from the Project is estimated to be approximately 20.74 cubic feet per second (cfs). Existing runoff from Parcel 44 is approximately 20.54 cfs. Project operation would result in minimal alteration of surface flows for Parcel 44. No subterranean structures are proposed as part of the Project.

Increased Sedimentation and Erosion

The Applicant would be required to prepare a Stormwater Pollution Prevention Plan ("SWPPP") for the Project site pursuant to the NPDES that would identify the various BMPs that would be implemented at the construction site. Upon completion of the Project, the Project site would be covered with non-erosive surfaces including roofs, pavement, and/or planted pavement (e.g. planters), which would reduce sediment in site runoff. The planted pavement areas would treat site run-off through bio-filtration. Once treated, the runoff would infiltrate the sub-base which would be lined with an impermeable barrier and the treated runoff will then be slowly released to the storm drain.

The applicable waste discharge requirements pertaining to post-construction water quality for the Project are the Municipal Stormwater NPDES Permit, under which

the Project would have to comply with the Los Angeles County Master Drainage Plan and the SUSMP.

As described above, peak runoff on the Project site would be similar to existing conditions. Upon Project occupancy, the Project site would be covered with impervious surfaces and landscaping, and, therefore, would not be a source of erosion or siltation. While on-site drainage patterns would change because the configuration of buildings, roadways, and landscaping would differ as compared to existing conditions, all drainage would continue to be conveyed to Los Angeles County's storm drain system.

Operational impacts would be less than significant, because the Project would not substantially alter the existing drainage pattern of the site or area in a manner that would result in substantial erosion or siltation on- or off-site.

General Mitigation Measures

No mitigation measures are required; however, the Project shall incorporate the Best Management Practices and planted pavement areas as identified in the Draft EIR and the Breen Engineering Drainage Concepts report included in Appendix 4.6 of the Draft EIR.

Surface and Groundwater Quality

The Applicant would be required to prepare a SWPPP pursuant to the NPDES that would identify the various best management practices that would be implemented on the site during dewatering, demolition, and construction. During operation of the Project, the Applicant will be required to address long-term monitoring and implementation of best management practices on the Project site.

Best Management Practices (BMPs):

- The Project must comply with County-required BMPs which will minimize pollutants entering the small-craft harbor. Source control BMPs include: materials use controls, material exposure controls, material disposal and recycling, spill prevention and clean-up activities, street and storm drain

maintenance activities, site design alternatives, and good housekeeping practices. Treatment control BMPs include physical treatment of runoff.

Implementation of the Project with the BMP's would result in a less than significant impact to the environment.

No mitigation measures are required.

6. Biological Resources

Potential Effect

The Project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The Project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local regional plans, policies, regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally protected wetland as defined by section 404 of the Clean Water Act. The Project could substantially interfere with the movement of native fish or wildlife or migratory wildlife corridors, or conflict with local policies or ordinance or a Habitat Conservation plan intended to protect biological resources.

Finding

With implementation of the mitigation measures identified in this section, conditions of approval, and project design features included in the Project design, potential impacts to biota would be reduced to a less than significant level by implementing mitigation measures to ensure minimal invasiveness to animal species during construction and operation of the Project. Operation of the Project would result in a less than significant impact to biological resources.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on biological resources impacts of the Project to less than significant levels.

Facts

Biota impacts are discussed in section 4.3 of the Draft EIR. Moreover, a thorough discussion of tree removals necessitated by the Project is provided in the Responses to Comments (Section 2.0) and Corrections & Additions (Section 3) sections of the Final EIR. The Project site is currently developed with eight existing structures and a surface parking lot, and no natural biotic communities are present. The fauna of this area is generally typified by an assemblage of species that have adapted to an intensive and continuous human presence. Based on expert field surveys and a review of available records, no special status plant or animal species occur on or significantly utilize habitat on the Project site.

Development would not directly impact special-status plant or animal species. As such, direct impacts on special status species associated with construction and operation of the Project is not considered significant. However, the proximity of the site to Burton Chase Park, where special-status bird species are known to nest and forage, means there is still limited potential to impact nesting birds if found nesting in Project-area landscape trees. Should the implementation of the Project occur during the active nesting season, impacts to active nests of protected species birds could be significant.

The Project site is highly developed and no portion of the Project is expected to substantially interfere with movement patterns associated with the existing ground-dwelling fauna currently at the site. With the requested entitlement, the Project is consistent with the applicable policies including the LCP. As conditioned, it is also consistent with the RWQCB Water Quality Control Plan.

Compliance with all permitting requirements and implementation of mitigation measures and Project design features would reduce all impacts to less than significant levels. The above finding is made subject to the following mitigation measures being made conditions of Project approval so as to mitigate the identified impacts:

Design Features Already Incorporated into the Project: As proposed, the Project would comply with the requirements of state and local agencies with respect to water quality (reference EIR Section 4.6).

Mitigation Measures

Mitigation Measures Recommended by the EIR:

- Prior to and during all Project-related construction activities, Applicant shall strictly comply with all applicable policies contained in Policy Nos. 23 (Marina del Rey Tree Pruning and Tree Removal Policy), 34 (Marina del Rey Leasehold Tree Pruning and Tree Removal Policy), and 37 (Biological Report & Construction Monitoring Requirements) of the Certified Local Coastal Plan.

Implementation of these measures would reduce biological impacts in both construction and operation to levels that are less than significant.

7. <u>Noise</u>

Potential Operational Related Effects

The primary source of noise during Project operation would be associated with vehicular traffic. The Project could result in a substantial permanent increase in ambient noise levels in the Project vicinity.

Finding

Construction noise impacts would result in significant and unavoidable impacts and are discussed in Section 3 below.

In operation, the Project would not cause substantial increases in existing noise levels at the studied intersections and impacts would be less than significant. Stationary noise sources associated with the Project would not expose off-site sensitive receptors to a noticeable noise level increase; therefore, impacts would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on operational noise impacts of the Project to less than significant levels.

Facts

The noise analysis contained in Appendix 4.7 of the Draft EIR studied noise impacts on sensitive receptors proximate to the Project site from construction and operational noise from both stationary and mobile sources.

As noted above, construction noise impacts (stationary and mobile) would result in significant and unavoidable impacts and are discussed in Section 3 below.

Implementation of the Project would result in noise from vehicular traffic on roads used to access the Project site and from increased activity on the Project site. The County of Los Angeles has established noise level standards for specific land use types. The applicable standards for the Project site are 55 dB from 10:00 PM to 7:00 AM (nighttime) and 60 dB from 7:00 AM to 10:00 PM (daytime). The noise-sensitive uses nearest to the Project site include the Marina del Rey Hotel (located at the western end of Basin G, approximately 600 feet west of the Project site) and Burton Chace Park (located at the terminus of Mindanao Way, approximately 590 feet southwest of the Project site). The nearest potentially noise-sensitive residential use is a high-rise condominium building situated in the City of Los Angeles approximately 970 feet northwesterly of the Project site.

As detailed in Appendix 4.7 of the Draft EIR, existing conditions exceed the County noise standard at all of the studied locations. Project-related increases in traffic would result in an incremental increase in the noise levels at these locations. However, increases would range from 0 to 0.2 dB(A) at the studied intersections, which would not be a perceptible increase in ambient noise levels. Therefore, in operation, the Project would not cause substantial increases in existing noise levels at the studied intersections and impacts would be less than significant.

In operation, the Project would increase noise levels on the Project site due to an increase in uses compared to existing conditions. Noise-generating activities within the Project site would consist primarily of commercial activities such as retail, office, and

restaurant uses. Additional point sources could include HVAC systems. Off-site sensitive receptors could potentially be affected by the introduction of such equipment. Typically, this type of equipment produces noise levels of approximately 56.0 dB(A) at 50 feet distance from the source. It is standard to measure the noise produced by this equipment at 50 feet. As discussed above, the nearest noise-sensitive receptors to the Project are the Marina del Rey Hotel and Burton Chace Park (located within approximately 600 feet and 590 feet, respectively, of the Project site). As also noted, the nearest potentially noise-sensitive residential use is situated in the City of Los Angeles approximately 970 feet northwesterly of the Project site. Due to these potentially-sensitive noise receptors' relative far distances from the Project site, noise generated by on-site equipment would not be perceptible at these receptor locations.

Additional noise associated with the Project would be typical of the retail, office, and restaurant uses and would include people talking, doors slamming and similar activities. The restaurant uses would include outdoor dining. These uses have typical noise levels of 50 to 60 decibels (dB). The Project's outdoor dining areas would likely be the noisiest use; however, due to the relative long distances from the Project's outdoor dining areas to the nearest sensitive receptors and ambient noise in the Project vicinity, noise generated by the Project's outdoor dining areas would not be readily perceptible at the nearest sensitive receptors.

Therefore, operation of the Project would not contribute substantially to an increase in noise. Stationary noise sources associated with the Project would not expose off-site sensitive receptors to a noticeable noise level increase; therefore, impacts would be less than significant. Cumulative operational noise impacts are discussed below.

Mitigation Measures

No mitigation measures related to operational noise required. See Section 3 for mitigation measures related to construction noise and cumulative operational noise.

8. Traffic

Potential Construction Traffic Effects

Construction of the Project could increase the amount of traffic in and out of the area on a temporary basis during Project construction both for the Project and in conjunction with the related projects.

Findings

Implementation of the Project design features during the construction phase would ensure that impacts related to construction traffic would remain less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on construction traffic impacts of the Project to less than significant levels.

Facts

Impacts for the 25 intersections were assessed using Critical Movement Analysis (CMA) methodology as the basis for the analysis and evaluation of traffic operations at signalized intersections; the CMA procedures are applicable for the evaluation of signalized intersection operations during the weekday peak hour analysis periods. This analysis technique, detailed in Circular Number 212 published by the Transportation Research Board (TRB), describes the operating characteristics of an intersection "Level of Service" based on intersection traffic volumes and other variables such as number and type of signal phasing, lane geometries, and other factors which determine both the quality of traffic that can move through an intersection (capacity) and the quality of that traffic (level of service).

The Project site lies within the unincorporated Marina del Rey community of the County. Development within the Marina, including the methodology for estimating the trip generation of various land uses, is governed by the LCP. The "Marina-specific" trip generation rates included in the LCP are recognized as accurately representing the trip generation activity for developments within the Marina by the County's Department of Public Works Traffic and Lighting Division, and are therefore appropriate for use in estimating the traffic resulting from the Project.

The LCP identifies the weekday PM peak hour traffic-generating characteristics (i.e., trip generation rates) for a number of the existing and anticipated future land uses within Marina del Rey, including the retail, office, restaurant, and boat slip uses comprising portions of the existing site or the Project. These Marina del Rey-specific trip generation rates are recognized as accurately representing the trip generation activity for developments within the Marina by the County's Department of Public Works Traffic and Lighting Division, and are therefore appropriate for use in estimating the traffic resulting from the Project.

Project construction activities on the Project site would involve three principal phases: (1) demolition of existing structures and site clearance; (2) site grading, including excavation and site preparation; and (3) building construction. Demolition, site clearance and construction of all land-side improvements is conservatively expected to begin as early as January 2015 and ending the last week of August 2016.

Demolition of existing landside uses on the site is anticipated to last approximately two to three months with an average of 130 truckloads per day. It is anticipated that the demolition phase of the Project's development could begin as early as November 2015 and end as early as January 2016.

Grading of the Project site after demolition would require approximately two to three months and would utilize approximately 18 workers and an average of 140 truck trips per day. It is anticipated that grading would begin in spring 2016 and would be completed summer 2016.

Construction is conservatively expected to begin in the fourth quarter of 2015 and last for approximately 10 months. Construction would involve approximately 550 workers (monthly average) and an average of 20 truck trips per day. During Project construction, staging of construction equipment, materials, and worker vehicles would occur on the Project site. In the event that it becomes infeasible to accommodate all construction workers parking on the site, the Applicant would work with the Los Angeles County Department of Beaches and Harbors in securing its approval to utilize off-site parking facilities for the temporary parking of construction workers' vehicles.

Project Design Features

The following Project Design Features would be implemented during the construction phase to ensure potential impacts remain less than significant:

- Maintain existing access for land uses in the proximity of the Project site during Project construction.
- Schedule deliveries and pick-ups of construction materials for non-peak travel periods.
- Coordinate haul trucks (according to designated haul routes), deliveries, and pick-ups to reduce the potential for trucks waiting to load or unload for protracted periods of time.
- Minimize obstruction of through-traffic lanes on Admiralty Way and prohibit obstruction of these same lanes that accommodate construction during peak hours.
- Construction equipment traffic from the contractors shall be controlled by flagman.
- Designated transport routes for heavy trucks and haul trucks to be used over the duration of the Project.
- Schedule vehicle movements to ensure that there are no vehicles waiting off-site and impeding public traffic flow on the surrounding streets.
- Establish requirements for loading/unloading and storage of materials on the Project site, where parking spaces would be encumbered, length of time traffic travel lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure the safety of the pedestrian and access to local businesses.
- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the Project site and neighboring businesses.
- Prohibit parking for construction workers except on the Project site and any designated off-site parking locations.

Worker trips occurring during Project construction would have a less than significant impact. Construction traffic impacts would be less than significant.

Potential Operational Traffic Effects

Operational traffic and access results in significant and unavoidable impacts are therefore discussed in their entirety below in Section 3.

9. <u>Wastewater/Sewage Service</u>

Potential Effect

The Project is served by a community sew age system, and the Project could create capacity problems at the treatment plant due to an increase in wastewater produced on-site. Construction and operation of the Project would not generate material amounts of wastewater and therefore do not have the potential to have significant sewer service impacts.

Findings

Implementation of the measures identified in this section, conditions of approval, and design features incorporated into the Project would reduce the potential sewer service impacts identified in the Final EIR to a less than significant level. Construction and operation of the Project would not generate wastewater sufficient to exceed the capacity of the treatment facilities or create water or wastewater system capacity problems. Furthermore, the Applicant must pay connection and capacity fees to fund expansion of facilities; therefore, the Project does not have the potential to have significant wastewater or sewer service impacts.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on wastewater and sewage service impacts of the Project to less than significant levels.

Facts

Sewer service impacts are discussed in Section 4.10.1 of the Draft EIR. Operation of the Project would generate approximately 8,325.3 gallons per day ("gpd") of wastewater. This represents a net increase of 6,403.3 gpd when compared to existing uses on the Project site. Wastewater in Marina del Rey is collected and conveyed by a sewer system owned and operated by the Los Angeles County

Department of Public Works. Treatment of domestic sewage and wastewater is provided at the City of Los Angeles Hyperion Treatment Plant. The Hyperion Treatment Plant currently has adequate capacity to treat sewage generated by the Project as it is operating at 550 to 570 MGD below capacity. Based upon its evaluation of a sewer area study submitted to the County by the Applicant's consulting civil engineering firm, the County has determined that the local sewer lines serving the Project site have sufficient capacity to accommodate the Project and that off-site sewer line upgrades are not required. A new on-site sewer line would be constructed in connection with the Project. This new sewer would be constructed to the standards set forth by the County and sized to accommodate sewage flows generated by the Project at buildout. Further, the Applicant shall pay the required sewer connection and capacity fees that are utilized by the County Department of Public Works to fund expansion of facilities.

With payment of appropriate fees and installation of onsite sewer line improvements imposed by the County for the Project, impacts associated with the increased population and resulting sewer service caused by the Project would be less than significant.

Mitigation Measures

No mitigation measures related to wastewater are required.

10. Solid Waste Service

Potential Effect

Development of the Project could increase the amount of solid waste requiring collection and disposal which may not be served by a landfill with sufficient capacity to accommodate the Project's solid waste disposal.

Finding

Cumulative solid waste impacts would result in significant and unavoidable impacts and are discussed in Section 3 below.

The Project is required to ensure that adequate capacity in landfills exists to accommodate the refuse generated by that use. The Project (assuming no diversion) is

forecasted to add approximately 74.63 tons of solid waste to existing landfills annually. As existing capacity exists within Los Angeles County and based on existing agreements outside the County, the Project would be served by a landfill with sufficient capacity. Therefore, impacts would be less than significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on Project-specific solid waste impacts of the Project to less than significant levels.

Facts

Build out of the Project would generate solid waste at a rate of approximately 74.63 tons annually. The County of Los Angeles identifies landfill capacity in 15-year planning periods. The solid waste analysis in the Draft EIR compares the solid waste generation of the Project with: (1) the capacity of the existing landfills operating within Los Angeles County that accept waste from unincorporated areas including the Project site); (2) landfills located outside the County that are owned and operated by the Los Angeles County Sanitation District; and (3) capacity at landfills outside the County that is available based on existing agreements. This narrow threshold analysis (i.e., the analysis does not consider the allowed transfer of solid waste to landfills outside of County-owned landfills or landfills out of state) is considered a "worst-case" evaluation scenario. Moreover, LACDPW's 2013 Annual Report for the Summary Plan and Siting Element of the Los Angeles County Countywide Integrated Waste Management Plan, which was submitted by LACDPW in May 2015 to the California Department of Resources' Division of Recycling & Recovery as required by the California Public Resources Code, concludes that the County will adequately meet the solid waste disposal capacity requirements of State law through a multi-faceted approach, which includes successfully permitting and developing proposed in-County landfill expansions, using available or planned out-of-County disposal capacity, developing necessary infrastructure to facilitate exportation of waste to out-of-County landfills, developing

conversion and other alternative technologies, and increasing the Countywide diversion rate by enhancing waste prevention and diversion programs.[1]

Although impacts were determined to be less than significant, and no mitigation measures are necessary, in order to reduce the amount of solid waste created by the Project, mitigation measures are recommended to reduce the amount of Project-generated solid waste disposed of at County landfills. This mitigation will ensure that impacts related to solid waste disposal will continue to be less than significant.

Mitigation Measures

4.10.3-1: The Project shall comply with Title 20, Chapter 20.87, of the Los Angeles County Code, Construction, and Demolition Debris Recycling. The Project proponent shall also provide a Construction and Demolition Debris Recycling and Reuse Plan to recycle, at a minimum, 50 percent of the construction and demolition debris. The Construction and Demolition Debris Recycling and Reuse Plan shall be provided to the County of Los Angeles Department of Public Works for review and approval, prior to the issuance of the grading permit.

4.10.3-2: To reduce the volume of solid and hazardous waste generated by the operation of the Project, a solid waste management plan shall be developed by the Applicant. This plan shall be reviewed and approved by the County of Los Angeles Health Department. The plan shall identify methods to promote recycling and re-use of materials, as well as safe disposal consistent with the policies and programs contained within the County of Los Angeles Source Reduction and Recycling Element. Methods shall include locating recycling bins in proximity to dumpsters used by future on-site customers and business operators.

[1] Source: 2013 Annual Report for the Summary Plan and Siting Element of the Los Angeles County Countywide Integrated Waste Management Plan.

11. Water Service

Potential Effect

The Project will increase water demand over existing on-site uses, which could be considered a significant impact if sufficient additional water is not available to service the increase in demand caused by the Project.

Finding

The implementation of water efficient landscaping and water conservation measures would reduce the potential impacts on water resources identified to a less than significant level.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on water service impacts of the Project to less than significant levels.

Facts

Water service impacts are discussed in pages 5.9-1 to 5.9-38 of the Draft EIR. Water is provided to the site by the Los Angeles County Department of Public Works (Water Works District No. 29), which receives water from the Metropolitan Water District.

Project uses would consume approximately 41,380.6 gdp. This represents a net increase of approximately 33,200 gpd over existing water use on the Project site. As described in Section 4.10.2 of the Draft EIR, water supply entitlements have been secured through Water Works District No. 29 and are adequate to serve existing as well as projected growth in Marina del Rey. Moreover, no significant impacts to the existing water distribution system would occur with implementation of the County-approved improvements. The above finding is made in that the following Project design features would be incorporated into the Project approvals so as to mitigate the identified impacts. The Project shall incorporate into the building plans water conservation measures as outlined in the following items:

- Health and Safety Code Section 17921.3 requiring low-flow toilets and urinals;
- Title 24, California Administrative Code, which establishes efficiency standards for shower heads, lavatory faucets and sink faucets, as well as requirements for

pipe insulation, which can reduce water used before hot water reaches equipment or fixtures; and

- Government Code Section 7800, which requires that lavatories in public facilities be equipped with self-closing faucets that limit the flow of hot water.

12. Police Protection

Potential Effect

The Project could increase demand for police protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The implementation of designed security features and the reduction in the number of boat spaces available will reduce potential impacts to police protection services from the Los Angeles Sherriff's Department, the Harbor Patrol, and the Bicycle Patrol, to a less than significant impact.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on police protection impacts of the Project to less than significant levels.

Facts

Police protection impacts are discussed in pages 5.12-1 to 5.12-32 of the Draft EIR. The Los Angeles County Sherriff's Department, as well as the Harbor Patrol and the Bicycle Patrol (during the summer months only), provide police protection services to the Project area.

The County Sheriff's Department has primary responsibility to provide police protection services for the Project site. It is anticipated that demands for Sheriff's services would increase above current levels upon buildout of the Project due to increased utilization of the site by the public and patrons.

Increased vehicle traffic generated at buildout of the Project could adversely affect the operating condition of the local roadway network. Increased traffic could slow emergency response vehicles. Mitigation measures are provided in Section 5.8, Traffic and Access, of the Draft EIR that will maintain operation of the local roadway network at levels that are consistent with County Department of Public Works standards. As measures are provided to maintain adequate traffic flow and access, impacts would be less than significant.

The retail and marina uses proposed are not new or unique to the area. However, there would be an increase in traffic and transient population density as a result of Project implementation.

Potential significant impacts to Sheriff's Department protective services would be reduced with the incorporation of security features into the Project design, such as the use of appropriate landscape materials and building orientation. As proposed, the Project would incorporate security features into the Project design that would reduce the number of calls for police protection services. Project design features such as parking area lighting would contribute to the overall safety of the Project site. Implementation of Project design features is ensured by Project conditions of approval.

The County Sheriff's Department would also review the site design during the planning and building plan-check process with respect to lighting, landscaping, building access and visibility, street circulation, building design and defensible space. Incorporation of the Sheriff's Department's recommendations would further reduce the potential law enforcement and protection impacts. With the incorporation of safety design techniques into the Project design, potentially significant security impacts to persons and property and calls for service to the County Sheriff's Department would be reduced to a less than significant level.

During operation, the Project would generate ground lease rent, tax revenues from property and sales taxes that would be deposited in the County's General Fund and the State Treasury. A portion of these revenues could then be allocated to maintain staffing and equipment levels for the Marina del Rey Sheriff's station in response to related demands. Although the Parcel 44 Project would increase demand for Sheriff's services, these service demands can be met through the allocation of revenues

collected from the Project using existing sources. Therefore, impacts are considered less than significant.

13. Fire Protection

Potential Effect

The Project could increase demand for fire protection services over existing on-site uses, which could be considered a significant impact if Project demand requires new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Finding

The existing fire protection infrastructure for both landside and waterside uses is adequate to accommodate the Project. Thus, implementation of the Project would result in a less than significant impact.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on fire protection impacts of the Project to less than significant levels.

Facts

Fire protection impacts are discussed in section 4.9-2 of the Draft EIR. The Los Angeles County Fire Department provides fire protection services to the Project area.

The Project could result in a potential increased demand for fire protection services due to the increased number of structures on the Project site. However, the Project has been designed to comply with building and fire codes to prevent need for fire protection, and the Project design includes on-site water improvements to ensure adequate fire flow.

During construction, a large amount of wood framing and other flammable construction materials would be present on the Project site. In association with framing operations, electrical, plumbing, communications, and ventilation systems would be installed in each structure. Although rare, fires do occur at construction sites. However, the Project would be subject to adherence to County codes and requirements during

construction which would reduce the potential for fire hazards at the Project site during construction. Therefore, impacts related to fire protection during construction would be less than significant.

The Project would increase the intensity of development on the site by adding commercial, retail, restaurant, and boater serving uses. With the addition of the Project, emergency calls would be expected to incrementally increase. However, the types of uses associated with the Project would not be expected to generate a large number of service calls (commercial, office, retail), in addition the Project would be required to comply with all County codes and regulations regarding access requirements for commercial areas and design standards for fire prevention (e.g., emergency plans and evacuation routes). With inclusion of all required County design standards, the Project would not increase calls such that new or expanded facilities would be required.

Increased vehicle traffic generated at build out of the Project could adversely affect the operating condition of the local roadway network. Increased traffic could also slow emergency response times in and around the Project site. Project design features and mitigation measures for Project-generated traffic are provided in Section 4.8, Traffic and Access, of this EIR that ensure impacts are less than significant.

Existing fire flow levels are provided to the County Fire Department by the local water purveyor. Final required fire flows for the Project would not be determined until the building plan check stage and could be lower, depending on the building design, the design of fire sprinkler systems and the proximity and capacity of fire hydrants on the Project site.

The Los Angeles County Department of Public Works ("LACDPW") has a system whereby an applicant can pay for water system upgrades in order to satisfy the need for a new project. Under the LACDPW system, other subsequent developments made within a 10-year period of system improvements whose projects benefit from these improvements must reimburse the original applicant with fair share contributions. Although the County has devised this system and coordinates reimbursements, it does not itself directly reimburse the original applicant for the improvements. The Applicant will be required to submit a Fire Safe Plan and have the Plan approved by the County of Los Angeles Fire Department prior to issuance of building permits for the Project. The

Fire Safe Plan shall include information regarding water flow and duration requirements, building sprinkler requirements, internal and external fire access. Based on the above, no significant Project impacts would occur with respect to fire flow problems.

Revenues collected through ground lease rentals in the Marina and normal taxes would adequately fund fire service to the Project. The Project would be required to meet County codes and requirements relative to providing adequate fire protection services to the site during both the construction and operational stages of the Project. As a result, Project operations would not diminish the staffing or the response times of existing fire stations in the Marina del Rey area and would not create a special fire protection problem on the site that would result in a decline of existing services levels in Marina del Rey.

Based on the above information, Project implementation would not create capacity or service level problems or result in substantial adverse physical or economic impacts associated with the provision of new or physically altered governmental facilities and/or the need for new or physically altered governmental facilities in order to maintain acceptable service ratios, response times, or other performance objectives.

Cumulative Impacts

(1) Cumulative Geological and Soil Resources

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project site. These related projects, in conjunction with the Project, may potentially result in cumulative geotechnical and soil resource impacts.

Finding

The Project and the related projects would not cause any cumulative geotechnical and soils resource impacts through compliance with current building and seismic safety codes and other applicable laws and regulations.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on

cumulative geological and soil resources impacts of the Project to less than significant levels.

Facts

Cumulative geotechnical and soil resource impacts are discussed at section 4.4 of the Draft EIR. Geotechnical impacts are generally site specific rather than cumulative in nature. Each development site is subject to, at a minimum, uniform development and construction standards relative to seismic and other geologic conditions that are prevalent within the region. Development of each development projects are pending or approved in the vicinity of the Project site would have to be consistent with Los Angeles County or other applicable governmental requirements as they pertain to protection against known geologic hazards which would reduce related project impacts to less than significant.

(2) Cumulative Hydrology and Water Quality

Potential Effect

A number of development projects are pending or approved in the vicinity of the Project. These projects, in conjunction with the Project, could have a significant cumulative impact on hydrology and drainage.

Finding

The Project and related projects would meet the local jurisdiction and Regional Water Quality Control Board water quality requirements. The cumulative impacts of the Project and related projects with respect to cumulative hydrology and water quality are not significant.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative hydrology and water quality impacts of the Project to less than significant levels.

Facts

Cumulative hydrology and water quality impacts are discussed at section 4.6 of the Draft EIR. All cumulative projects within the tributary watershed are required to meet the same general flood control and water quality requirements as the Project. The requirements will be identified by the local jurisdiction and the Regional Water Quality Control Board and will include prohibitions on significant increases in post-development stormwater flows and stormwater velocities into the small craft harbor. Since the Project would not represent a significant change in hydrological or drainage conditions, its contribution to cumulative impacts is negligible. Other projects can be expected to be similarly conditioned such that no significant cumulative impacts will occur.

(3) Cumulative Biological Effects

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the potential impacts to naturally occurring plants and animals, resulting in a potentially significant cumulative impact to biota in the Marina del Rey area.

Finding

As with the Project, each related project is required to ensure that adequate precautions are taken to protect naturally occurring plants and animals in the Project area. As such, cumulative impacts to biota would be less than significant**.**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative biological resources impacts of the Project to less than significant levels.

Facts

Cumulative effects to biota are discussed in Section 4.3 of the Draft EIR. Cumulative or other related projects currently proposed in the Marina del Rey area that would affect the terrestrial or marine environments are proposed in a highly urbanized environment and/or involve the re-use of existing land uses and/or the replacement of

boat spaces. Due to the urban character of the area in which the related projects occur, no special status species, naturally occurring special status habitat or wetlands are known to occur. With respect to marine avian species, the species forage over a large area and many forage areas are available throughout the area. Therefore, cumulative impacts are less than significant.

(4) Cumulative Operational Noise

Potential Effect

Cumulative operational noise impacts of the Project could occur as the result of a permanent increase in ambient noise levels or increased traffic on local roadways due to ambient growth and other development in the vicinity of the Project site.

Finding

With implementation of the policies of the Los Angeles County General Plan and the Marina del Rey LUP, the Project along with related projects would not have a cumulatively considerable impact.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative operational noise impacts of the Project to less than significant levels.

Facts

The Project in combination with related projects would not be expected to result in a cumulatively considerable permanent increase in ambient noise levels due to operation as all of the related projects are located far enough from the Project site (several hundred feet or more) such that the noise generated on one site would not be heard at another.

The analysis contained in Appendix 4.7 of the Draft EIR shows the modeled noise levels of anticipated future traffic based on related projects in the vicinity as well as an ambient growth factor included in the Project traffic study to provide a conservative analysis. Project traffic would not contribute to a significant cumulative impact related to traffic noise. Further, the Los Angeles County General Plan and the

Marina del Rey Land Use Plan would ensure implementation of compatible land uses so that noise sensitive receptors are not adversely affected by noise. The policies of the Los Angeles County General Plan and the Marina del Rey Land Use Plan reduce traffic noise by supporting alternative forms of transportation, promoting walkable neighborhoods and business districts, reducing the numbers of cars on roadways, and construction sound barriers. With implementation of such measures, the related projects would reduce cumulative impacts to less than significant.

(5) Cumulative Wastewater Disposal/Sewer

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of effluent requiring collection and treatment, resulting in a potentially significant cumulative impact to sewer services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in the local and trunk sewer lines and receiving wastewater treatment plant exists to accommodate the effluent generated by that use. Additionally, each project is required to pay a connection fee used to fund expenses needed to accommodate growth. As such, cumulative impacts to sewage collection, treatment and disposal would be less than significant**.**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative wastewater impacts of the Project to less than significant levels.

Facts

Cumulative sewer service impacts are discussed at in Section 4.10.1 of the Draft EIR. Treatment capacity at the Hyperion Treatment Plant is available to serve the wastewater that is estimated to be generated by cumulative projects within Marina del Rey. The City of Los Angeles has adopted an Integrated Resources Plan ("IRP") that

provides for implementation of improvement to increase capacity by 100 mgd as demand increases. In addition, each future project is required to provide adequate capacity to convey sewage to a safe point of discharge and pay fees to connect to the sewage system. In this manner, the existing sewage collection and conveyance system would be upgraded to accommodate sewage created by the development of future projects and a significant cumulative impact avoided.

Section C.12 of the Marina del Rey LUP addressed potential impacts on sewer capacity resulting from full buildout under the LUP. The LUP contains policies and actions to assure that there is proof of availability of adequate sewer facilities. The County consulted with the City of Los Angeles as part of the LUP process, and as a result the City has taken future development under the LUP into account in planning for sewer capacity infrastructure improvements.

(5) Cumulative Water Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase development intensity and water demand, resulting in a potentially significant cumulative impact to water services.

Finding

Feasible mitigation measures such as constructing waterline improvements, implementation of water efficient landscaping, and water conservation measures to address the impact of the Project and the related projects would reduce cumulative those impacts to a less than significant level.

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative water service impacts of the Project to less than significant levels.

Facts

Cumulative water service impacts are discussed in section 4.10.2 of the Draft EIR. Prior to the issuance of grading permits, the applicant for each future project within

Marina del Rey shall provide to the Los Angeles County Department of Regional Planning a letter from Water Works District No. 29 stating that the District is able to provide water service to the project under consideration. Both the County and the Metropolitan Water District (MWD) are implementing plans, programs and strategies to assure the continued reliability of water supply. These plans include the Integrated Resources Plan, the Five Year Supply Plan, the Report on Metropolitan Water Supplies: A Blueprint for Water Reliability, the Urban Water Management Plan, the Water Surplus and Drought Management Plan, and the Water Supply Allocation Plan.

On the local level, grading permits for the Project shall not be issued until such time that the District indicates that the distribution system and water supply are adequate to serve the Project under review. MWD's IRP provides a long-range plan for addressing increased water demand in its service area and the growth included in Table 4.10.2-3 of the Draft EIR is consistent with the Marina del Rey LUP. Alternatively, the applicant of each future project under consideration Marina del Rey may construct that phased improvement identified in the Water Works District No. 29 Backbone Water Distribution Master Plan that provides sufficient water supply and fire flows to accommodate the Project under consideration. Cumulative impacts with respect to water service would be less than significant.

(6) Cumulative Fire Protection and Police Protection

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the potential impacts to public services including fire protection, police protection, education, library services, and parks and recreation resulting in a potentially significant cumulative impact to public services in the Marina del Rey area.

Finding

As with the Project, each related project is required to ensure that adequate fire protection and police protection can service that related project, and all required

mitigation measures must be taken to ensure a minimal impact. As such, cumulative impacts to public services would be less than significant**.**

Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen potential significant environmental effects on cumulative fire and police protection impacts of the Project to less than significant levels.

Facts

Implementation of the Project in conjunction with the related projects studied in the Draft EIR sections 4.9.1 and 4.9.2 would increase the demand for fire protection and police protection. With respect to fire protection, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services. In addition, compliance with fire codes and other safety measures, along with implementation of fire service and traffic mitigation measures, reduce any cumulative impacts to a less than significant level.

With respect to police protection, each related project developer or applicant is required to pay property taxes and other fees that will fund additional public safety services. In addition, the County Sheriff's Department reviews all plans with respects to lighting, landscaping, building access, visibility, street circulation, building design, and defensible space, which would reduce any cumulative impacts to a less than significant level.

SECTION 3

SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL EFFECTS WHICH CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

The County has determined that, although Final EIR mitigation measures, design features included as part of the Project, and conditions of approval imposed on the Project will reduce the following effects, these effects cannot be feasibly or effectively mitigated to less than significant levels. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section 6).

1. Noise

Potential Construction Related Effects

Implementation of the Project in conjunction with related projects in the Project vicinity would generate construction-related noise and vibration.

Potential Cumulative Construction Related Effects

Construction of the Project in conjunction with the related projects would generate construction-related noise.

Finding

The construction-related Project-specific noise impacts identified in the Draft EIR cannot be mitigated to a less than significant level. Construction of the Project in conjunction with other nearby related projects would result in temporary cumulatively considerable noise impacts. However, conditions of approval such as restrictions on grading and construction hours and construction equipment would reduce, to the extent feasible, the adverse environmental impacts of construction-related noise.

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Construction-related noise would affect residential uses in the Project vicinity and noise sensitive uses along the construction truck haul route. Noise levels generated from the Project during construction stages would occur periodically throughout the workday and would comply with County of Los Angeles Plans and Policies for noise control (Ordinance No. 11743). In addition, Project construction noise would be limited to normal working hours when many residents in Marina del Rey are away from their homes. Nevertheless, construction-related activities would still periodically exceed County standards for exterior noise levels.

The above finding is made in conjunction with a Statement of Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6) and in that the following measures will partially mitigate the identified impacts:

Existing Regulations and Standards Applicable to the Project: Section 12.12.030 of the County Code limits construction activities to between the hours of 6:30 AM and 8:00 PM daily and prohibits work on Sundays and legal holidays. The Los Angeles County Department of Health Services has the authority to restrict construction activities to between the hours of 7:00 AM and 7:00 PM and no time on Sundays or legal holidays if such noise would create a noise disturbance across a residential or commercial real-property line. In addition, a haul route will be reviewed and approved by the County that would limit neighborhood disturbance to the degree feasible. To further limit off-site construction noise impacts, a staging area for the storage of equipment and material will be located on the Project site as far as feasible from existing residences (as noted, the nearest residential use to the Project site is located in excess of 900 feet from the Project site). With regard to operations, all point sources of noise occurring on the Project site must adhere to Section 12.08.390 of the County Code. Even with these measures in place, it would not be possible to reduce construction noise impacts within the standards set for the in the County Code, particularly during pile driving.

Mitigation Measures**:**

- All construction equipment, fixed or mobile, that is utilized on the site for more than two working days shall be in proper operating condition and fitted with standard factory silencing features. In areas where construction equipment (such

as generators and air compressors) is left stationary and operating for more than one day within 100 feet of residential land uses, temporary portable noise structures shall be built. These barriers shall be located between the piece of equipment and sensitive land uses. As the Project is constructed, the use of building structures as noise barrier would be sufficient. The Applicant's representative shall spot check to ensure compliance.

- The Applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project and anticipated duration of construction activity, and shall provide a phone number where people can register questions and complaints. The Applicant shall keep a record of all complaints and take appropriate action to minimize noise generated by the offending activity where feasible. A monthly log of noise complaints shall be maintained by the Applicant and submitted to the County of Los Angeles Department of Public Health.

Even with inclusion of the above mitigation measures, temporary periodic exceedances in noise on the Project site could occur. Therefore, impacts related to construction noise and haul trucks during construction for both Project-specific impacts and on a cumulative basis would be significant and unavoidable.

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

2. Traffic

Potential Operational Related Effects

Development of the Project would increase the amount of traffic in and out of the area both on a temporary basis during Project on a long-term basis during Project operation.

Finding

The Project could result in significant impacts at a total of seven intersections under the sole jurisdiction of the City of Los Angeles (three locations) or intersections

exhibiting shared jurisdiction between the City of Los Angeles and the County of Los Angeles (four locations): Venice Boulevard and Lincoln Boulevard, Washington Boulevard and Lincoln Boulevard, Lincoln Boulevard and Marina Expressway, Lincoln Boulevard and Mindanao Way, Mindanao Way and eastbound Marina Expressway, Lincoln Boulevard and Fiji Way, and Lincoln Boulevard and Jefferson Boulevard,1 each during the PM peak hour only under the "Future (year 2016) With Project" conditions. One intersection under the sole jurisdiction of the County would be impacted under the "Existing (year 2013) with Project" scenario: Admiralty Way and Mindanao Way, although this location would not be impacted under the future year analysis scenario (due to currently ongoing improvement at this intersection to install dual southbound left-turn lanes on Admiralty Way); no significant impacts were identified at any of the Los Angeles County-only intersections during the "Future with Project" scenario. No feasible roadway or traffic signal improvements are available at any of the seven impacted City-only or City/County shared jurisdiction intersections. As a result, the potential Project-specific traffic impacts associated with the Project at these locations will remain significant and unavoidable.

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Impacts for the 25 intersections were assessed using Critical Movement Analysis (CMA) methodology as the basis for the analysis and evaluation of traffic operations at signalized intersections; the CMA procedures are applicable for the evaluation of signalized intersection operations during the weekday peak hour analysis periods. This analysis technique, detailed in Circular Number 212 published by the Transportation Research Board (TRB), describes the operating characteristics of an intersection "Level of Service" based on intersection traffic volumes and other variables such as number and type of signal phasing, lane geometries, and other factors which determine both the quality of traffic that can move through an intersection (capacity) and the quality of that traffic (level of service).

The Project site lies within the unincorporated Marina del Rey community of the County. Development within the Marina, including the methodology for estimating the trip generation of various land uses, is governed by the LCP. The "Marina-specific" trip generation rates included in the LCP are recognized as accurately representing the trip generation activity for developments within the Marina by the County's Department of Public Works Traffic and Lighting Division, and are therefore appropriate for use in estimating the traffic resulting from the Project.

The LCP identifies the weekday PM peak hour traffic-generating characteristics (i.e., trip generation rates) for a number of the existing and anticipated future land uses within Marina del Rey, including the retail, office, restaurant, and boat slip uses comprising portions of the existing site or the Project. These Marina del Rey-specific trip generation rates are recognized as accurately representing the trip generation activity for developments within the Marina by the County's Department of Public Works Traffic and Lighting Division, and are therefore appropriate for use in estimating the traffic resulting from the Project. However, the LCP data does not identify PM peak hour trip generation rates for several of the current or proposed uses on the Parcel 44 site, including the proposed "specialty market" and "community room" uses, or the "boat repair" and "yacht club" facilities that are part of both existing and proposed developments, nor are daily (24-hour) or AM peak hour trip generation rates identified in the LCP for any land use. Therefore, for purposes of the Project's traffic generation analysis, the trip generation rates for these periods (daily and AM peak hour) for both the existing and/or proposed retail uses (both visitor-serving and marine-related) and office uses, were obtained from the 8th Edition of the Institute of Transportation Engineers (ITE) Trip Generation publication, as were the daily, AM, and PM peak hour trip generation rates for the proposed specialty market and community room components, and for the existing and proposed boat repair and yacht club uses.

The LCP trip generation rates were developed specifically for use with projects located within unincorporated Marina del Rey, and were derived based on both empirical counts of vehicles entering and exiting the driveways of the subject land uses, as well as interviews and surveys of drivers accessing the subject surveyed sites, and therefore, generally reflect not only the amount of "direct" traffic generated by the use

itself, but also intrinsically account for factors that can influence the amount of "net" traffic generation associated with the various land uses, such as "pass-by" traffic associated with each land use. Pass-by traffic refers to the "capture" by a particular project or land use of a vehicle that is already on the area roadway network for other purposes, such as a trip to or from work, by providing convenient amenities or services that result in the driver diverting from the existing trip to patronize the site. Since such activity is only an interim stop along a trip which existed prior to the development of the Project, vehicles making these stops are not considered to be newly generated Project-related traffic. The County's Department of Public Works Traffic and Lighting Division acknowledged the effects of pass-by traffic on the Project's trip generation, and identified that approximately 1 percent of the existing traffic passing the Project site along Admiralty Way (in the southbound direction only) would patronize the Project's visitor and/or marine-related retail uses as an interim stop along an otherwise existing trip. As detailed in the traffic study contained in Appendix 4.8 of the Draft EIR, the pass-by factor equates to a total of approximately 144 vehicles per day (144 inbound and 144 outbound trips), including approximately 18 trips (9 inbound and 9 outbound) during the AM peak hour and 24 trips (12 inbound and 12 outbound) during the PM peak hour.

A second factor affecting the potential trip generation characteristics of any particular land use is the "internal interaction" of patrons or employees of one use by another use within a particular development site (also known as "internal capture" or "multi-purpose trips"). However, a review of the Project indicates that none of the proposed uses would be expected to exhibit any notable internal interaction activity, and therefore, for purposes of this study, no internal interaction reductions were assumed.

To determine future (2016) traffic volumes, an ambient annual traffic growth factor of 0.6 percent was applied to the current (year 2013) traffic volumes. This growth factor, compounded annually, was applied to all of the turning movement volumes at the study intersections to form the baseline traffic volume conditions for the future study year 2016.

The study intersections are located within two different jurisdictions, each of which evaluates future conditions and project-related traffic impacts in a slightly different manner. Although the Project is located within the County of Los Angeles, only five of

the 25 study intersections examined in the analysis in Section 4.8 of the Draft EIR are under the jurisdiction of the County of Los Angeles, with the remainder shared with or located entirely within and/or operated and maintained by the City of Los Angeles, including intersections adjacent to the Marina along both Washington Boulevard and Lincoln Boulevard.

With completion of the ongoing installation of the new dual southbound left-turn lane at the site-adjacent intersection of Admiralty Way and Mindanao Way, the Project is not anticipated to create significant impacts at any of the five County-only study intersections under the forecast future (year 2016) conditions, and no Project-specific mitigation measures are warranted for these locations.

Based on the impact evaluation criteria summarized previously in Table 4.8-7, without mitigation, the Project would result in significant impacts at a total of seven of the City-only or shared City/County jurisdiction study locations: Venice Boulevard and Lincoln Boulevard, Washington Boulevard and Lincoln Boulevard, Lincoln Boulevard and Marina Expressway, Lincoln Boulevard and Mindanao Way, Mindanao Way and eastbound Marina Expressway, Lincoln Boulevard and Fiji Way, and Lincoln Boulevard and Jefferson Boulevard, each during the PM peak hour only. No feasible mitigation measures exist to reduce these impacts and therefore impacts would remain significant and unavoidable.

It is estimated that the Project could result in an increase in area transit ridership of approximately 225 persons per day, including five persons (three inbound, two outbound) during the AM peak hour, and 23 persons (12 inbound, 11 outbound) during the PM peak hour. It is acknowledged that bus utilization in the Project vicinity can be heavy during the peak weekday commute periods, this nominal level of new ridership would likely be divided among several bus lines providing direct service to the Project site. These lines alone provide a combined total of between 20 and 30 buses per hour serving the Project site during both the weekday AM and PM peak commute periods, with a combined total of over 300 buses per day. As a result, the potential Project-related increases in ridership on any single bus are expected to be nominal (an average of two or fewer new riders per bus during the peak commute periods). Therefore, impacts would be less than significant.

The following mitigation measures are recommended in the Final EIR:

- 4.8-1: Admiralty Way and Mindanao Way – Although as shown in Table 4.8-8 of the Draft EIR, the Project could result in a significant impact at this intersection during the PM peak hour under the "Existing With Project" scenario, this location was assumed only to be improved with the Project-required improvements to the eastbound approach of Mindanao Way for the analysis of potential Project-related impacts for that scenario. However, as described above, the County is currently underway with, and is nearing completion on, improvements to Admiralty Way that will install new southbound dual left-turn lanes at this intersection. As a result, as further shown in Table 4.8-9, once the ongoing installation of the new dual southbound left-turn lanes is completed, the Project's impacts will become less than significant (during both peak hours). Therefore, no improvements to this intersection (beyond the Project-required improvement to eastbound Mindanao Way and the ongoing improvements being installed by the County) are necessary.
- 4.8-2a: Lincoln Boulevard and Mindanao Way – This intersection is under the shared jurisdiction of the County and City of Los Angeles. The "Revised Set of Intersection Improvements" contained in the updated LCP does not identify any roadway improvements for this location, although the (now-superseded) Transportation Improvement Program (TIP) of the prior LCP included an improvement to install a new northbound right-turn only lane on Lincoln Boulevard at Mindanao Way. However, as described earlier in this report, this measure has already been installed, and a review of this intersection indicates that it currently provides exclusive left-turn and right-turn lanes, along with three through lanes, on the northbound approach, a left-turn lane, and three through lanes (including a shared through/right-turn lane) on the southbound approach, dual left-turn lanes along with two through lanes (including a shared through/right-turn lane) for the westbound approach, and two through lanes (including a shared through/right-turn lane) on the eastbound approach (eastbound left turns are prohibited at this intersection). There are no additional

rights-of-way available to widen any of the intersection approaches, and as such, no feasible improvements are available at this location.

- 4.8-2b: Lincoln Boulevard and Fiji Way – This intersection is also under the shared jurisdiction of the County and City of Los Angeles, and as a result, the updated LCP does not identify any roadway improvements for this location, although the previous TIP included a measure to install a second eastbound left-turn lane on Fiji Way at Lincoln Boulevard (this recommendation has since been abandoned). This intersection currently provides dual left-turn lanes plus three through lanes (including a shared through/right-turn lane) on the northbound approach, a left-turn lane and three through lanes (including a shared through/right-turn lane) on the southbound approach, a left-turn lane, a through lane, and a right-turn only (free right) lane on the eastbound approach, and a single lane (shared left-turn/through/right-turn lane) on the westbound approach. No additional rights-of-way are currently available, and no further improvements are feasible.
- 4.8-3: **Lincoln Boulevard and Venice Boulevard** – This intersection is already improved with dual left-turn lanes on each approach, in addition to exclusive right-turn only lanes on both the eastbound and westbound approaches (each with right-turn overlap phases concurrent with the northbound and southbound left-turn phases).

  Lincoln Boulevard and Washington Boulevard – Similar to Lincoln Boulevard and Venice Boulevard, this intersection is also currently improved with dual left-turn lanes on each approach, plus exclusive right-turn only lanes (including right-turn overlap phases concurrent with the northbound and southbound left-turn phases) on both the eastbound and westbound approaches.

  Lincoln Boulevard and Marina Expressway – This location is currently improved to provide both dual left-turn and dual right-turn lanes on the westbound approach of the Marina Expressway, as well as dual left-turns for southbound Lincoln Boulevard (left-turns for northbound travel are not permitted at this location).

Mindanao Way and Eastbound Marina Expressway – Improvements were recently completed at this intersection to install dual left-turn lanes on the southbound approach of Mindanao Way (onto the eastbound Marina Expressway), while the eastbound approach of the Marina Expressway is flared at the intersection in order to provide an exclusive left-turn lane (in addition to its typical two through lanes).

Lincoln Boulevard and Jefferson Boulevard – This intersection has recently been reconstructed to substantially enhance its capacity and operations (as mitigation for the adjacent Playa Vista development project), particularly in the northbound and southbound directions, and currently provides an exclusive right-turn only lane on the northbound approach, plus dual left-turn lanes on the southbound approach, and dual left-turn and dual right-turn lanes on the westbound approach.

Of the eight potential Project-specific significant impacts identified in the Final EIR, only the impact at the site-adjacent intersection of Admiralty Way and Mindanao Way exhibits any feasible mitigation. With completion of the County's improvement described above, the Project's potential impact at this location will be reduced to less than significant levels. However, no feasible roadway or traffic signal improvements are available at any of the remaining seven locations, the potential Project-specific impacts at these intersections will remain significant and unavoidable.

Impacts at the following intersections remain significant and unavoidable:

- Venice Boulevard and Lincoln Boulevard;
- Washington Boulevard and Lincoln Boulevard
- Lincoln Boulevard and Marina Expressway;
- Lincoln Boulevard and Mindanao Way;
- Mindanao Way and eastbound Marina Expressway;
- Lincoln Boulevard and Fiji Way; and
- Lincoln Boulevard and Jefferson Boulevard

Because, as described in Section 4.8 of the Draft EIR, the net Project trip additions through the nearest CMP arterial monitoring intersections will be well below the levels at which a significant impact would be created, CMP arterial impacts would be less than significant. The Project will also result in considerably fewer freeway trips than the CMP's minimum 50 peak hour trip thresholds for detailed freeway analyses; impacts related to CMP intersections would be less than significant.

Detailed plans of all requested/required roadway improvement measures will be submitted to both the County's Department of Public Works and Department of Beaches and Harbors for review and approval, with all agreed-upon improvements required to be completed, to the satisfaction of the County, prior to the issuance of any certificates of occupancy for Project uses. The traffic study recommends "Keep Clear" signage and roadway markings be installed at the existing median cut on Admiralty Way to maintain clearance for vehicles using this access. With implementation of these Project design considerations, the Project would not result in any unsafe design features. Impacts would be less than significant.

The Project has an adequate level of accessibility for emergency vehicles, both from a regional and a site perspective. Admiralty Way provides direct routes to the Project site for emergency vehicles. Once emergency vehicles have reached the site, they can access the on-site structures through surface lanes available throughout the Project site. Ingresses and egresses points are provided throughout the Project site. Impacts relating to emergency access are less than significant.

3. Cumulative Traffic/Access

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of traffic in and out of the area on a long-term basis during Project operation.

Finding

Traffic generated from nearby related projects was also added to the future baseline traffic volumes to identify future cumulative traffic conditions in the area. As with the Project, each related project is required to ensure mitigation for project impacts including traffic and parking. However, based on conservative assumptions regarding ambient growth and related projects and the inability to accurately quantify the benefits of certain mitigation measures, the Commission conservatively finds that the Project would make a considerable contribution to a cumulative impact on area traffic.

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Cumulative traffic impacts are discussed in section 4.8 of the Draft EIR. The analysis shows that the Project traffic, together with the related projects and cumulative growth, would result in significant impacts at eight of the study intersections as set forth in Table 4.8-13 of the Draft EIR. The cumulative mitigation measures include measures specifically identified in the TIP, including funding for larger long-term improvements such as widening the Lincoln Boulevard Corridor and the planned Marina Expressway (SR-90) extension to Admiralty Way that will increase area-wide traffic capacity and help alleviate existing and future congestion in the study area. However, if these or other equally effective measures are not installed, significant cumulative traffic impacts would remain.

The roadway improvements listed in the LCP (and funded by the traffic impact mitigation fees) were reviewed to identity which measures may be effective in addressing the cumulative impacts in the study area. These roadway improvements are described below.

- 4.8-4a: Admiralty Way and Via Marina – Two potential roadway improvement alternatives are identified in the LCP to address cumulative traffic impacts at this intersection:

1. The first roadway improvement alternative (LCP A) includes the installation of a third left-turn lane (in addition to the two existing right-turn only lanes) on the westbound approach of Admiralty Way at Via Marina, and would also convert one of the three existing southbound through lanes to a new left-turn lane (resulting in a final southbound configuration of two left-turn lanes and two through lanes). The northbound approach of this intersection would remain unchanged, and continue to provide two through lanes and one right-turn only lane. The LCP does not identify whether roadway widenings are necessary to implement this improvement.

2. The second alternative (LCP B) would reconstruct this intersection to realign Admiralty Way and the south leg of Via Marina to operate as a "through roadway," with the north leg of Via Marina intersecting the realigned Admiralty Way/Via Marina roadway in a "T" configuration. The resulting intersection would include two through lanes in each direction along realigned Admiralty Way/Via Marina, with one westbound right-turn lane and dual eastbound left-turn lanes from this roadway onto the north leg of Via Marina, while the southbound approach of Via Marina at the intersection would provide two left-turn lanes and a single right-turn lane.

- 4.8-4b: Admiralty Way and Palawan Way – There are also two potential roadway improvements identified in the LCP to address the cumulative impact at this intersection:
  1. In addition to the current County improvements to restripe northbound Palawan Way to convert the existing left-turn lane to a shared left-turn/through lane (with the existing shared through/right-turn lane remaining unchanged), and to add a new exclusive westbound right-turn only lane on Admiralty Way, the first improvement alternative (LCP A) would restripe the southbound approach of Palawan Way to convert the existing through lane to a shared left-turn/through lane (but leave the existing left-turn and right-turn lanes unchanged), and would further improve the westbound approach of Admiralty Way to provide an additional through lane (west of the intersection with Palawan Way). This alternative improvement would also convert the new

westbound right-turn only lane to a shared through/right-turn lane, to provide a future lane configuration of one left-turn lane, two through lanes, and one shared through/right-turn lane. The eastbound approach would continue to exhibit its current configuration of one left-turn lane, one through lane, and one shared through/right-turn lane. As with the ongoing improvement at this location, due to the proposed "shared through/left-turn lane" configuration for southbound Palawan Way, this alternative will require modification of the existing traffic signal to provide north/south opposed phasing operation.

2. The second certified LCP roadway improvement alternative (LCP B) is similar to the LCP A alternative described above, and would again modify westbound Admiralty Way to provide a third westbound lane west of the intersection, and convert the new westbound right-turn only lane to a shared through/right-turn lane (again with no changes to the eastbound approach lane configuration). However, this alternative would also restripe northbound Palawan Way to convert the existing shared through/right-turn lane to an exclusive right-turn only lane, while keeping the new shared left-turn/through lane currently being constructed. Additionally, this alternative would modify the southbound approach of Palawan Way to add a second left-turn lane (resulting in a final southbound lane configuration of two left-turn lanes, one through lane, and one right-turn only lane). As with the LCP A alternative, the traffic signal would be modified to operate with opposed north/south phasing.

- 4.8-4c: Admiralty Way and Bali Way – The LCP improvement to add a second left-turn lane on southbound Admiralty Way at Bali Way, resulting in a final lane configuration for this approach of two left-turn lanes, one through lane, and one shared through/right-turn lane is currently under construction, and no further improvements are proposed.
- 4.8-4d: Admiralty Way and Mindanao Way – In addition to the ongoing improvements to this intersection being installed by the County to provide a second southbound left-turn lane on Admiralty Way at Mindanao Way, and the Project-required improvement to widen the south side of Mindanao Way to install a new shared through/right-turn lane on the eastbound approach of this street

(and convert the current shared through/right-turn lane to a shared left-turn/through lane) described earlier (which is also part of the overall LCP improvement at this location), the remaining LCP improvements at this intersection would restripe the westbound approach of Mindanao Way to convert the existing shared left-turn/through lane to a shared left-turn/through/right-turn lane. The traffic signal phasing at this location will continue to exhibit the current east-west "split" phase operations, due to the proposed new eastbound/westbound lane configurations.

The County's Department of Public Works has expressed that it prefers to coordinate and implement the local and regional roadway improvements identified in the LCP itself, in order to reduce overall construction time and minimize traffic disruptions associated with these improvements. Therefore, payment of the traffic impact mitigation fee noted above is the recommended method of addressing the Project's traffic impact mitigation, rather than the incremental or partial construction of any of the relevant LCP roadway improvements by the Applicant. However, should the County determine that the immediate implementation of roadway improvements is necessary in order to address the potential Project-specific traffic impacts, identified earlier, Mitigation Measures 4.8-1, 4.8-2a, 4.8-2b, and 4.8-3 are the mitigation measures for each of the eight significantly-impacted locations:

Impacts at the following intersections remain significant and unavoidable:

- Admiralty Way and Via Marina
- Admiralty Way and Palawan Way
- Admiralty Way and Mindanao Way
- Washington Boulevard and Via Marina/Ocean Avenue
- Washington Boulevard and Palawan Way
- Lincoln Boulevard and Bali Way
- Lincoln Boulevard and Mindanao Way
- Lincoln Boulevard and Fiji Way

4. Solid Waste Service

Potential Effect

Development of the Project, in conjunction with other approved and pending projects within Marina del Rey, would increase the amount of solid waste requiring collection and disposal, resulting in a potentially significant cumulative impact to solid waste services.

Finding

As with the Project, each related project is required to ensure that adequate capacity in landfills exists to accommodate the refuse generated by that use. However, due to the inability to guarantee adequate landfill space beyond 2017, the Project is found to have a significant and unavoidable impact on solid waste.

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report.

Facts

Cumulative Solid Waste impacts are discussed on pages 4.10.3-13 to 4.10.3-14 of the Draft EIR. Build out of the Project and related projects would generate solid waste. In addition, other pending projects within the County would generate solid waste beyond amounts generated by the Project and the identified related projects. It is reasonable to assume that market forces that drive the waste disposal industry will place pressure on the industry and governmental agencies to continually identify new economically feasible means of waste disposal in the future to accommodate this growth. However, because an adequate supply of landfill space has not been approved for beyond 2017 and because existing hazardous waste management facilities in the County are deemed inadequate, the cumulative increase in solid and hazardous waste generation would cause a significant impact unless additional landfill space or other disposal alternatives are approved. There are no known mitigation measures that would mitigate these potential Project and cumulative significant impacts to a less than significant level. The above finding is made in conjunction with a Statement of

Overriding Considerations, which is simultaneously being adopted for the Project (see Section 6).

SECTION 4

GROWTH INDUCING IMPACTS OF THE PROJECT

Potential Effect

Development of the Project has the potential to induce growth by fostering economic or population growth either directly or indirectly.

Finding

The Project does not meet a growth-inducing criterion specified under CEQA, and, therefore, the Project is not considered to be growth inducing.

Facts

Growth inducing impacts are discussed at pages 6.0-1 through 6.0-4 of the Draft EIR. The following facts support the above finding:

(1) Removal of an Impediment to Growth

Growth in an area may result from the removal of physical impediments or restrictions to growth, as well as the removal of planning impediments resulting from land use plans and policies. In this context, physical growth impediments may include nonexistent or inadequate access to an area or the lack of essential public services (e.g., water service), while planning impediments may include restrictive zoning and/or general plan designations. A network of electricity, water, sewer, stormwater, communication, roads and other supporting infrastructure for the Project is already in place. The Project would connect to existing infrastructure, with some minimal modification and/or improvements necessary to meet Project demands. Any off-site improvements would serve the Project, but would also allow for more intensive development on other Marina del Rey parcels that could utilize these infrastructure components. However, these improvements and the associated increase in development intensity are consistent with already adopted and approved policies of the Marina del Rey Land Use Plan that promote recycling of Phase I Marina del Rey development with more intensive uses. In addition, no new service lines (e.g., storm drain, electricity, telephone, roadways, etc.) other than those required to serve the

proposed uses are to be constructed. Therefore, the Project would not induce growth through introduction or expansion of infrastructure.

(2) Urbanization of Land in Remote Locations

The Project is a redevelopment of improved property and is situated in an existing developed urban community. As a result, the Project will not "leapfrog" over any undeveloped area or introduce development into a previously undeveloped area.

(3) Economic Growth

Under this criterion, the Project would be considered growth inducing if it would cause economic expansion or economic growth to occur in the Project area. Examples of economic expansion or growth would include changed in revenue base, employment expansion, etc.

Buildout of the Project could result in temporary increases in construction-related job opportunities. Potential employees would likely be drawn from the existing labor force in the County of Los Angeles, City of Los Angeles, City of Santa Monica, City of Culver City and the Los Angeles Metropolitan area.

Long-term growth, should it occur, would be primarily in the form of an economic response to the new retail and restaurant uses proposed on the Project site. Uses on the site that would be expected to generate economic revenue or response include a grocery store, two retail/restaurant spaces, West Marine, and a yacht club. Although these uses would represent an increase from the intensity of uses currently on the Project site, given the relatively small size of the Project in relation to County population, the economic contribution of the Project alone would not be considered growth inducing.

(4) Precedent Setting Action

The Project requires a number of discretionary actions on the part of DRP. Changes from a project that could be precedent setting include (among others) approval of project entitlements that could have implications for other properties, or that could make it easier for other properties to develop.

Per the LCP, the subject parcel is designated "Marine Commercial," "Visitor-Serving/Convenience Commercial," "Boat Storage," and "Water" with a "Waterfront Overlay" (WOZ) designation which land use designations support the uses being proposed for the Project; no amendments to the certified LCP are necessary to

effectuate the Project. The surrounding uses are similar to the proposed uses. Consequently, the Project is not considered to be considered growth inducing under this criterion. In addition, approval of this Project does not necessarily mean that other development approvals in the area will follow. Independent determinations must be made for each project. Moreover, existing regulatory frameworks are not being interpreted in a precedent setting fashion. Thus, the Project is not growth inducing under this criterion.

SECTION 5

SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES WHICH WOULD BE INVOLVED IN THE PROJECT SHOULD IT BE IMPLEMENTED

CEQA Guidelines Section 15126.2(c) indicates that:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

The Project would necessarily consume limited, slowly renewable and non-renewable resources. This consumption would occur during the construction phase of the Project and would continue throughout its operational lifetime. Project development would require a commitment of resources that would include: (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the Project Site. Project construction would involve a limited amount of non-renewable resources or slowly-renewable resources. These resources would include the following construction supplies: certain types of lumber and other forest products; aggregate materials used in concrete and asphalt such as sand, gravel and stone; metals such as steel, copper, and lead; petrochemical construction materials such as plastics; and water. Furthermore, nonrenewable fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment, as well as the transportation of goods and people to and from the Project Site. Project operation would continue to expend nonrenewable resources that are currently consumed within the City. These include energy resources such as electricity and natural gas, petroleum-based fuels required for vehicle-trips, fossil fuels, and water. Fossil fuels would represent the primary energy source associated with both construction and ongoing operation of the Project, and the existing, finite supplies of

these natural resources would be incrementally reduced. Continued use of such resources would be on a relatively small scale and consistent with regional and local growth forecasts in the area, as well as State and local goals for reductions in the consumption of such resources. Further, the Project would not affect access to existing resources, nor interfere with the production or delivery of such resources.

SECTION 6

FINDINGS REGARDING ALTERNATIVES

Alternatives to the Project described in the Draft EIR were analyzed and considered. The alternatives discussed in the Draft EIR and Final EIR constitute a reasonable range of alternatives necessary to permit a reasoned choice. The Final EIR concluded that the "No Project/No Development" Alternative was the environmentally superior alternative. However, as specified in the *State CEQA Guidelines* section 15126.d.2, if the No Project Alternative is the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Of the remaining alternatives considered, Alternative 2 "Reduced Density Alternative" was considered the environmentally superior alternative. However, these alternatives and the other alternatives analyzed in the Draft EIR and Final EIR are rejected as infeasible for the specific economic, legal, social, technological, and/or other considerations set forth below.

Project Objectives

(1) To create a vibrant, marine-oriented retail experience for the visiting public, as well as provide improved public access through development of an expansive waterfront promenade and realignment of the bike path to be sited along the parcel's water frontage on Admiralty Way;

(2) To provide high quality, visitor-serving restaurants, retail and marine commercial facilities, enhanced and improved public pedestrian access to the waterfront and continuous points of interest along public waterfront promenade consistent with the LCP;

(3) To improve the coastal recreational opportunities for the visiting public by greatly enhancing the public's access to and passive recreational use of the landside portions of the site;

(4) To provide marine-related retail space and accommodate the boating supply needs of boaters throughout the marina;

(5) To provide retail space for a "Trader Joe's" (or similar) specialty market and allow for the convenient sale of food and beverage for visitors, Burton Chase Park users, and boaters as well as the greater Marina del Rey community;

(6) To improve boater amenities on the Project site by providing boater related uses such as a yacht club, boat repair shop, boat storage, boater bathrooms and transient docks;

(7) To design buildings which are attractive on all sides and from every vista;

(8) To provide safe, convenient pedestrian access from Admiralty Way, Mindanao Way and Bali Way;

(9) To increase and improve the parcel's view corridors to the Marina waters;

(10) To provide an improved and safer bicycle travel through the site via realignment of the existing bike path on the site;

(11) To provide bicycle racks convenient to visitors using the bike path;

(12) To provide improved fire department access to the site and marina;

(13) To further the economic viability of the Marina through replacement of the parcel's physically outdated structures with new structures, consistent with Priority Objective No. 2 of Chapter eight (Land Use Plan) of the certified Marina del Rey Land Use Plan.

Alternatives Considered But Not Evaluated.

The County Department of Regional Planning, as lead agency, considered potential alternatives that the Department rejected as infeasible and therefore did not analyze in detail in the EIR. The Project consists of redevelopment of Parcel 44. The objectives specifically focus on that redevelopment and the creation of a vibrant visitor-and- boater-serving project. The ability of the Applicant to find and purchase an alternative site, located in the Marina that is available for redevelopment is considered speculative. In addition, the development of an alternative site may not be able to meet the Project objectives in that it may not be located in an area with a waterfront promenade. Finally, the development of the same uses at a different location would result in similar construction-related noise and operational traffic impacts.

<u>Alternative 1</u>, The "No Project/No Development" Alternative

Description of Alternative

Under this alternative, the Project site would remain in its present condition with site improvements as they currently exist.

Comparison of Effects

None of the potential Project-related impacts identified in the Final EIR would occur under the "No Project/No Development" alternative. The selection of the "No Project/No Development" alternative, however, is not consistent with the stated goals of LCP that call for the transition of existing Phase I uses to a more contemporary attraction. The LCP encourages conversion of Phase I development consistent with policies that place high priority on development of boating and visitor-serving facilities. The purpose behind encouraging the change and expansion of selected land uses within Marina del Rey includes implementation of the policies of the California Coastal Act, encouragement of controlled change over the next thirty years rather than face the prospect of major simultaneous change when the bulk of the leases expire after the year 2020, correcting existing problems and replacing physically obsolete structures. The objectives are designed to build upon the success of existing uses in Marina del Rey via the creation of opportunities for selective reconstruction at higher intensities and enhancing visitor-serving uses, public access, and coastal views.

Finding

The "No Project/No Development" alternative is rejected as infeasible because it fails to meet any of the Project objectives identified in the Final EIR, would not provide any of the Project benefits as set forth herein, and is not consistent with the policies defined in the Marina del Rey LUP.

Facts

The "No Project/No Development" alternative would fail to create an integrated, self-contained recreational Marina community with contemporary boating facilities. This Alternative would also fail to allow integration with other public uses and amenities.

This Alternative would fail to improve public coastal recreational opportunities and improved public pedestrian access to the waterfront. The Alternative would fail to replace an underutilized site with high quality boater- and visitor-serving uses. The Alternative would also fail to replace existing non-ADA compliant boating facilities with new, state-of-the-art facilities. This Alternative would fail to create a vibrant marine-oriented retail experience and improved public access through development of an expansive waterfront promenade. The Alternative would also fail to generate additional revenues to the County in the form of increased ground rents, fees, and tax revenues.

Alternative 2, The "Reduced Density" Alternative

Under the "Reduced Density" Alternative, the Project would be reduced to 59,603 square feet and would eliminate portions of the retail/restaurant uses, which would represent a 30 percent reduction compared to the Project. Proposed building heights would be the same as for the Project. The remaining buildings would also have the same massing as they would in the Project and the Alternative would include the waterfront promenade and bicycle path.

Comparison of Effects

The Alternative would result in comparable impacts to biota, geotechnical and soil resources, greenhouse gas emissions (construction), hydrology and drainage, noise, and public utilities (wastewater, water service, and solid waste service) when compared with the Project. This Alternative's impacts to aesthetics, air quality (construction and operation), greenhouse gas emissions (operation), noise (construction and operation), public services (fire and police), and traffic would be incrementally reduced.

Finding

While the Alternative would result in fewer and lesser impacts to the environment when compared to the Project, the Alternative is infeasible because it fails to meet several of the Project objectives to the same extent as the Project. Specifically, the Alternative would fail to create a vibrant marine-oriented retail experience to the same

level of intensity as the Project and the site would not be as active with fewer opportunities for activity on the waterfront. The Alternative would fail to provide high-quality visitor-serving restaurants and retail to the same extent as the Project and would provide fewer points of interest along the waterfront. The Alternative also would fail to generate additional revenues to the County to the same extent as the Project. Due to the fact that the Alternative fails to meet Project objectives to the same extent as the Project, it is therefore considered infeasible.

Facts

Under this Alternative, while there would be less development on the Project site, the site design would remain substantially similar to the Project; however, several of the buildings may be eliminated or reduced. Therefore, the Alternative potentially increases visual access of the Marina and could lessen impacts to visual resources which would remain less than significant. With respect to air quality, the reduced amount of construction under the Alternative would lessen impacts to air quality during construction and operational impacts to air quality from the Alternative would be reduced due to the fewer trips associated with the site when compared with the Project, but both would result in a less than significant impact. Both the Alternative and the Project would result in a less than significant impact to biota. Impacts to geotechnical and soil resources for this Alternative are similar to the Project and would remain, like the Project, less than significant. Greenhouse gas emissions for the Alternative would be similar to the Project and as such, impacts would be less than significant.

Like the Project, this Alternative would not substantially alter the amount of site runoff due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both the Project and the Alternative would be similar in this regard. This Alternative would result in reduced construction noise and vibration impacts over the Project as the construction duration would be reduced; however, construction noise impacts would remain significant. Thus, construction noise impacts would be significant for both the Project and the Alternative. Operational noise impacts for the Alternative would be less than the operational noise

impacts from the Project due to the reduced amount of development; the impacts from both the Project and the Alternative would remain less than significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service and sewer service, although the Alternative would have a lesser impact than the Project due to the reduced amount of development. The Alternative would result in a lesser amount of solid waste generation and similar to the Project would not result in a significant impact on a project-level. However, although solid waste generation is reduced under the Alternative, due to County capacity at landfills, significant impacts would not be avoided by this Alternative. The Alternative, like the Project, would have less than significant impacts to public services including fire protection and police protection due to its reduced size when compared to the Project. The Alternative would also have reduced impacts to traffic when compared to the Project; however, it would not reduce Project-specific or cumulative traffic impacts to less than significant.

Alternative 3, The "Mixed-Use (Retail/Residential)" Alternative

Description of Alternative

Under the "Mixed-Use (Retail/Residential)" Alternative, the Project site would be developed with a combination of retail and restaurant uses. The height of four of the buildings would be increased to three stories to allow two floors of residential uses above ground floor retail. The Alternative would include 24 residential units above 13,625 square feet of retail market, 25,000 square feet of west marine uses, 6,650 square feet of retail/restaurant/market uses and 7,500 square feet of restaurant use for a total of 52,775 square feet of retail/restaurant uses. Boater-serving uses would be included in the remaining buildings similar to the Project. Although the commercial square footage would be reduced, the additional of 24 residential units would require additional parking spaces; therefore, parking under the Alternative would be similar to the Project.

Comparison of Effects

The Alternative would result in comparable impacts to biota, geotechnical resources and soils, hydrology and drainage, noise (construction and operation), public utilities (wastewater, water, and solid waste) than the Project. The Alternative would result in reduced impacts to traffic than the Project; however, impacts would remain significant. The Alternative could result in greater impacts but impacts would remain less than significant related to air quality, and public services (fire and police). The Alternative would could result in greater impacts and potentially trigger significant impacts related to visual resources and greenhouse gas emissions (project and cumulative).

Finding

The Alternative would fail to meet the Project objectives. The Alternative would fail to improve provide high-quality, visitor-serving restaurants, retail, and marine commercial facilities to the same level of intensity as the Project. The Alternative, unlike the Project, would be inconsistent with the LCP as residential uses are not permitted on the subject parcel and the height increases would be above what is allowed under the LCP for the parcel. For these reasons, the Alternative is deemed to be infeasible.

Facts

Under this Alternative, residential uses would be included and accommodated by increasing the height of four of the eight buildings and massing would be modified. The Alternative would not be consistent with either the residential use restriction or the maximum height permitted in the LCP; whereas, the Project is consistent with the LCP. In addition, the increased building heights have the potential to trigger significant impacts related to visual resources. With respect to construction air quality, the increased amount of building height would increase the duration of construction; however, construction is not expected to increase air quality impacts sufficiently to trigger any significant impacts, so like the Project, the Alternative's construction air quality impacts remain less than significant. Operational air quality impacts of the Alternative would be slightly higher but would not exceed significance thresholds;

however, the increased height of the buildings could have the potential to disrupt wind patterns, unlike the Project. Development under this Alternative would include ornamental landscaping and would not change any impacts to biota when compared to the Project; as a result, both would result in a less than significant impact to biota. Development of the Project site under the Alternative would require grading similar to the Project, and, thus, impacts to geotechnical and soil resources remain, like the Project, less than significant. The Alternative includes construction activities similar to the Project; therefore, similar to the Project, impacts related to greenhouse gas emissions during construction would remain less than significant. The residential units included in the Alternative would increase development intensity and would increase overall operational greenhouse gas emissions and would cause emissions to exceed the significance thresholds during operation of the Project.

Like the Project, the Alternative would not substantially alter the amount of site runoff due to the development that would still occur on the Project site as part of the Alternative. Thus, the less than significant impacts of both the Project and the Alternative would be similar in this regard. The Alternative would result in similar construction noise and vibration impacts to the Project; therefore, construction noise impacts would remain significant under the Alternative. Even though new noise sources would be introduced due to the small number of units and the existing ambient noise in the area, operational noise impacts for the Alternative would be similar to the operational noise impacts from the Project. The impacts related to operational noise from both the Project and the Alternative would remain less than significant.

Like the Project, the Alternative would have a less than significant impact on public utilities including water service and sewer service because the reduction of commercial uses offsets the minimal addition of residential uses. The Alternative would result in a greater amount of solid waste generation but on a project-level would not result in a significant impact. However, due to County capacity at landfills, similar to the Project, significant impacts would not be avoided by this Alternative. The Alternative, like the Project, would have less than significant impacts to public services including fire protection and police protection even though the addition of residential uses could minimally increase the need for police and fire protection when compared to the Project.

The Alternative would have slightly different trip generation compared to the Project and would result in an incremental reduction in the Project-level impacts; however, it would not reduce Project-specific or cumulative traffic impacts to less than significant.

SECTION 7

FINDINGS REGARDING MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires that when a public agency is making the findings required by State CEQA Guidelines Section 15091(a)(1), codified as Section 21081(a) of the Public Resources Code, the public agency shall adopt an MMRP for the changes to the Project which it has adopted or made a condition of approval, in order to mitigate or avoid significant effects on the environment.

The County hereby finds that the MMRP, which is attached as Exhibit A to these Findings and incorporated in the Project's Coastal Development Permit, meets the requirements of Section 21081.6 of the Public Resources Code by providing for the implementation and monitoring of Project conditions to mitigate or avoid potential environmental effects.

SECTION 8

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR identified and discussed significant effects that will occur as a result of the Project. Section 21081 of the California Public Resources Code and Section 15093(b) of the CEQA Guidelines provide that when the decisions of the public agency allows the occurrence of significant impacts identified in the EIR that are not substantially lessened or avoided, the lead agency must state in writing the reasons to support its action based on the EIR and/or other information in the record. Article I of the City's CEQA Guidelines incorporates all of the State CEQA Guidelines contained in Title 15, California Code of Regulations, Sections 15000 et seq. and thereby requires, pursuant to Section 15093(b) of the CEQA Guidelines, that the decision maker adopt a Statement of Overriding Considerations at the time of approval of a project if it finds that significant adverse environmental effects identified in the EIR cannot be substantially lessened or avoided. These findings incorporate and state the Statement of Overriding Considerations adopted for the Project.

With the implementation of the mitigation measures discussed in the Final EIR, these effects can be mitigated to levels of insignificance except for unavoidable significant Project impacts on construction noise and operational traffic , and unavoidable significant cumulative impacts on construction noise, operational traffic, , and solid waste disposal, as identified in Section 3 of these findings.

Having reduced the significant adverse environmental effects of the Project by adopting the conditions of approval and the mitigation measures identified in the Final EIR, and having balanced the benefits of the Project against the Project's anticipated and potential unavoidable significant adverse impacts, the Commission hereby determines that the benefits of the Project outweigh the anticipated and potential unavoidable significant adverse impacts, and that the unavoidable significant adverse impacts are nonetheless acceptable, based on the following overriding considerations:

1. The Project is consistent with the development standards of the Phase II Marina del Rey Land Use Plan.

2. The Project will reuse and redevelop the currently underutilized Project site to provide grocery, retail, limited office, and other commercial uses to serve the local community and visitors to the community.

3. The Project will provide a well-designed development that is compatible and complementary with surrounding land uses and enhances pedestrian circulation in the area.

4. The Project will generate employment opportunities for the local area.

5. The Project will reactivate and revitalize an under-utilized parcel of land.

6. The Project will mitigate, to the extent feasible, the potential environmental impacts of the proposed Project.

7. The Project will provide development that is financially viable.

8. The Project includes the following public benefits:

- A public promenade and improved waterfront access, as well as upgrades to the existing sidewalks adjacent to the Project site;
- A bike path connecting Bali Way and Mindanao Way and improvements to the Marvin Braude Bike Path crossing;
- A large public plaza with a fountain; and
- Upgrades to stormwater and sewer infrastructure.

In addition, the development and use of the Project will accomplish the Project objectives described in the EIR, including the following:

(1) To create a vibrant, marine-oriented retail experience for the visiting public, as well as provide improved public access through development of an expansive waterfront promenade and realignment of the bike path to be sited along the parcel's water frontage on Admiralty Way;

(2) To provide high quality, visitor-serving restaurants, retail and marine commercial facilities, enhanced and improved public pedestrian access to the waterfront and continuous points of interest along public waterfront promenade consistent with the LCP;

(3) To improve the coastal recreational opportunities for the visiting public by greatly enhancing the public's access to and passive recreational use of the landside portions of the site;

(4) To provide marine-related retail space and accommodate the boating supply needs of boaters throughout the marina;

(5) To provide retail space for a "Trader Joe's" (or similar) specialty market and allow for the convenient sale of food and beverage for visitors, Burton Chase Park users, and boaters as well as the greater Marina del Rey community;

(6) To improve boater amenities on the Project site by providing boater related uses such as a yacht club, boat repair shop, boat storage, boater bathrooms and transient docks;

(7) To design buildings which are attractive on all sides and from every vista;

(8) To provide safe, convenient pedestrian access from Admiralty Way, Mindanao Way and Bali Way;

(9) To provide an improved and safer bicycle travel through the site via realignment of the existing bike path on the site;

(10) To provide bicycle racks convenient to visitors using the bike path;

(11) To provide improved fire department access to the site and marina;

(12) To further the economic viability of the Marina through replacement of the parcel's physically outdated structures with new structures, consistent with Priority Objective No. 2 of Chapter eight (Land Use Plan) of the certified Marina del Rey Land Use Plan.

SECTION 9

SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the record, the Commission has made one or more of the following findings with respect to each of the significant adverse effects of the Project:

a. Changes or alterations have been required in, or incorporated into, the Project that mitigate or avoid many of the significant environmental effects identified in the Final EIR.

b. Some changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

c. Specific economic, legal, social, technological or other considerations make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the record, and as conditioned by the foregoing:

a. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.

b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the overriding considerations set forth in the foregoing Statement of Overriding Considerations.

SECTION 10

SECTION 21082.1(c)(3) FINDINGS

Pursuant to Public Resource Code § 21082.1(c)(3), the Commission hereby finds that the Final EIR reflects the independent judgment of the lead agency.

SECTION 11
NO RECIRCULATION

The Commission has determined, consistent with CEQA Guidelines section 15088.5, that no significant new information requiring recirculation of the EIR has occurred. Specifically, the County has determined, based on the substantial evidence presented to it, that (1) no new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented; (2) no substantial increase in the severity of an environmental impact would result from the Project; (3) no feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project; and (4) the draft EIR is not so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

SECTION 12

CUSTODIAN OF RECORDS

The custodian of the documents or other material which constitute the record of proceedings upon which the Commission's decision is based is the Department of Regional Planning located at 320 West Temple Street, Los Angeles, California 90012.